# **EXHIBIT DX1**

TO DECLARATION OF MARY S. YOUNG IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE OPINIONS AND TESTIMONY OF RICHARD WENZEL, M.D.

# Report Prepared for Blackwell Burke In re Bair Hugger Forced Air Warming Devices Products Liability Litigation

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### **Outline of the Report**

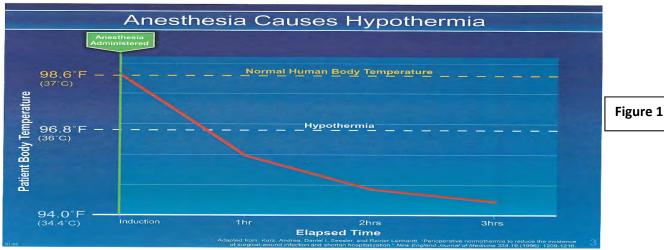
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#### I. Anesthesia, cooling body temperatures (hypothermia) and the associated adverse events

The normal body temperature in healthy people is  $98.6^{\circ}$  F or  $37^{\circ}$  C. There is little fluctuation during the day because of the body's sophisticated thermostat, located in the brain, which maintains a relatively constant temperature. This is good because the body's chemistry works best at  $37^{\circ}$  C.

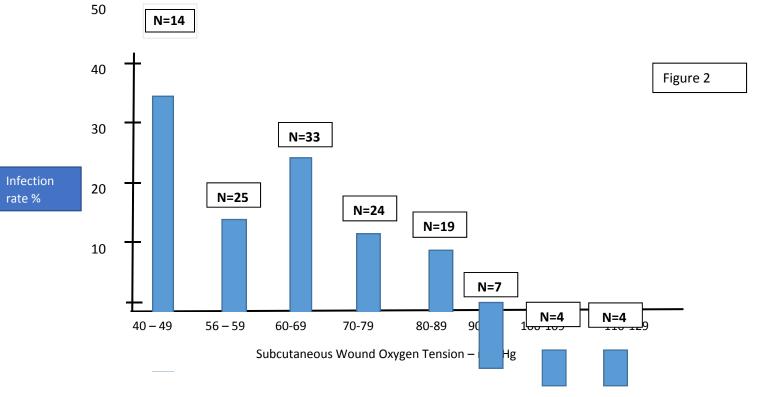
Hypothermia is defined at  $<36\,^{\circ}$  C ( $<96.8^{\circ}$  F), when measured in deep tissue ("core" temperature). With anesthesia the body's core temperature (chest, abdomen, brain and spinal cord) drops, and there is a failure of the thermostat's regulation to normalize the temperature (red line in figure 1).



The body's response to the stress of hypothermia is an outpouring of the stress hormone, norepinephrine, causing constriction of the arterial blood supply to the subcutaneous tissue (just below the skin), essentially a decrease in blood perfusion right at the operative site. The reduced blood supply in turn means that there is a reduced oxygen tension at the subcutaneous area, and a resulting sluggish response of white cells responding to nearby bacteria, to their engulfment of the bacteria, and to their killing of bacteria. Furthermore, the perioperative antibiotics - administered to reduce the risk of a surgical site infection - do not work as well in lower oxygen states. (Hart S. R. et al. Unintended perioperative hypothermia. *The Ochsner Journal* 2011; 11: 259-70; Kasai T et al. Preoperative blood pressure and catecholamines related to hypothermia during general anesthesia. *Acta Anesthesial Scand* 2003; 47: 208 – 12; Sesssler D.I. et al. Non-Pharmacologic prevention of surgical wound infection. *Anesthesial Clin* 2006; 24: 279-97).

The physiological response to hypothermia has been linked to important outcomes in surgical patients. Clinical studies have shown that the lower the oxygen tension of the subcutaneous tissue, the greater the surgical site infection risk. In a prospective observational study of 130 surgical patients, Harriet Williams Hopf and colleagues showed an inverse relationship between subcutaneous wound oxygen tension and surgical site infection rate (Figure 2): if the oxygen tension was as low as 40-49 mm Hg, the infection rate was over 40%, but the SSI rate fell to zero if the oxygen tension was ≥90 mm Hg. (Hopf et. Al, Wound Tissue Oxygen Tension Predicts the Risk of Wound Infection in Surgical Patients, Arch Surg 1997, 32:997-1004)

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Infection rate is inversely proportional to maximum subcutaneous wound oxygen tension (Psq O2 max) (p <0.01, X2 contingency table)

Hopf, et a.l Arch Surg 1997; 132:997-1004

This figure shows the high proportion of general surgery patients whose subcutaneous wound oxygen tension was low and who were at risk for a SSI in the pre-warming era. Hypothermia during surgery has not only been linked to increased risk of wound infection but also increased risk of morbid cardiac events, a need for more blood transfusions, complications of major surgery and post-operative shivering (Eileen Scott. A systematic review of intraoperative warming to prevent post-operative complications. AORN Journal 2006; 83: 1090 – 1113).

The CDC classifies wound infections as "superficial" if they involve skin and subcutaneous tissue and "deep" if they involve "fascia or muscle". An organ/space SSI involves any part of the body deeper than facial muscle and was opened or manipulated during the operative procedure.

Post-operative pain has also been linked to elevated stress hormone levels' associated arteriolar vasoconstriction, and decreased tissue oxygen pressure. Akca and colleagues hypothesized that patients undergoing knee surgery would have less pain and higher subcutaneous tissue oxygen levels if the knee was injected at the end of surgery with lidocaine vs saline. 30 adult patients were randomized, and over the following hour and a half, the placebo group had a mean subcutaneous oxygen level of 86 mmHg vs 113mm in the lidocaine group (p=0.016), and the mean pain score (on a 1-100 visual analogue) was 40 in the placebo group vs 11 in the lidocaine group (p < 0.001). The authors suggest that "control of postoperative pain is a major determinant of surgical site infection," citing the work of Hopf et al. (See Akca et al., Postoperative pain and subcutaneous oxygen tension. *Lancet*. 1999; 354: 41-42).

Both studies are consistent with the concept that stress from anesthesia or of pain is linked to reduced subcutaneous oxygen pressures, known to influence surgical site infection rates. Furthermore,

warming increases subcutaneous oxygen tension: Ikeda and colleagues used a radiant heater applied locally to 10 volunteers and measured subcutaneous oxygen tension. At 38° C, 42°C and 46°C, oxygen tension increased approximately 50% during heating to comparable levels at all three temperatures tested. Of interest, <u>subcutaneous oxygen tension remained elevated for 3 hours after heating was discontinued.</u> (Ikeda et al., Local Radiant Heating Increases Subcutaneous Oxygen Tension, *Am J Surg* 1998; 175: 33-37)

#### II. Benefits of avoiding hypothermia, Forced Air Warming and the Bair Hugger Device

Fortunately the adverse events linked to an esthesia, the associated hypothermia and reduced tissue oxygenation can be reversed with warming of the surgical patient, maintaining a core body temperature greater than  $36^{\circ}$  C ( $96.8^{\circ}$  F). Most studies have been performed with forced air warming devices and most of the latter with the Bair Hugger.

- a. Prospective, Randomized, Controlled Clinical Trials
  - i. Andrea Kurz and colleagues randomized 200 colorectal surgery patients to the use of a Bair Hugger patient warming system during the operation or to control (no warming). The controls had a forced air warmer set to deliver ambient air vs a 40° set point for the warmed group, which also received IV fluids through a warmer. Core temperatures at the end of surgery were significantly lower in controls (34.7 ± 0.6° C) vs the warmed group (36.6 ± 0.5° C). Hospital stay in the infected patients was one week longer than the unifected... "indicating that most infections were substantial." To minimize the decrease in wound perfusion due to pain postoperatively, patients with pain were given opioids. The surgical site infection rate was 19% in controls vs 6% in the warmed patients. (Kurz et al., Perioperative Normothermia to Reduce the Incidence of Surgical-Wound Infection and Shorten Hospitalization, *N Engl. J Med* 1996; 19:1209-1216).

In her deposition, Dr. Andrea Kurz was asked if she still thought the data were valid and also if she were to do the study again, what changes would she make? She said that she still believes that "maintenance of normothermia decreases infection risk, but the effect might be closer to 30% reduction or so, which in effect is a humongous, enormously large effect size for any medical intervention" (p. 201). She also said that today she would have a larger study size and emphasized that the control arm would have to be warmed in some fashion for an ethically sound study since "active warming has become standard" (p. 199). The key point is that "due to the fact that patients are warmed, we don't see the significant decrease of hypothermia any more, and therefore in any study the effect size wouldn't be as large as in this particular one" (p. 199).

ii. Andrew Melling and colleagues randomized 421 patients undergoing clean surgery to ≥ 30 minutes of preoperative warming or no warming. All patients were expected to have brief operative times of under 50 minutes. Both Bair Hugger and local warming methods increased core temperatures by .35 and .13° C and had equal outcomes, and their results were pooled and compared to controls with no warming. The mean core temperature after surgery was > 36° C. The surgical site infection rate was 14% in controls and 5% in warmed patients (Melling et al., Effects of perioperative warming on the incidence of wound infection after clean surgery: a randomized controlled trial, Lancet 2001; 358:876-80).

Both clinical trials used the Bair Hugger and had blinded (masked) evaluators who did not know to which study arm the patients were assigned.

#### b. Systematic reviews of controlled clinical trials (meta-analyses).

Meta-analyses are systematic reviews of  $\geq 2$  studies, performed to estimate the overall effect of an intervention, since any single study may have a somewhat different outcome than another. Meta-analyses represent the best overall estimate of the intervention.

A meta-analysis was reported by the Cochrane Library in 2016. They included both the Kurz and Melling studies and estimated the risk ratio for surgical site infections favoring warming at 0.36 (Cl<sub>95</sub> - 0.20-.66), suggesting that 64% of surgical site infections could be eliminated with warming. (Madrid E et al. Active body surface warming systems for preventing complications caused by inadvertent perioperative hypothermia in adults (Review). (Cochrane database of systematic reviews 2016, Issue 4. Art No.:CD009016. Doi: 10.1002/14651858. CD 009016.pub 2.) The authors rate the evidence as low to moderate and conclude that "forced air warming (FAW), applied in the surgical pre-or intraoperative phases or both, seems to have a beneficial effect in terms of a lower rate of surgical site infections and complications, at least in people undergoing abdominal surgery.."

In a response to concerns about safety, any increased risk of SSIs with forced air warming systems – the Bair Hugger, ECRI issued a report in 2013. After a critical review of the literature. The ECRI Institute, an independent review body with skills in evaluating data, found no sufficient evidence linking forced air warming to surgical site infections. (Health Devices April 2013 pp 122-125. www.ecri.org).

#### c. Historical Cohort Studies

Five historical studies have been reported to examine surgical site infections. These are important, "real-world" data to examine effectiveness of warming systems in actual practice. All five studies used forced air warming systems, and 4 of 5 warming systems were with the Bair Hugger. In one study, the rates of all infections, cardiac events, and mortality were also examined. Each asked the question, after the use of a forced air warming device, if patients avoided hypothermia, were the outcomes the same as or different from those who developed unwanted hypothermia? (See data in table below). A more recent 6<sup>th</sup> retrospective cohort study examined 4 different definitions of hypothermia to examine links to surgical site infections.

Study	Country Davisa	No. Patients	Percent	Outcomes (Risk Ratios)	Mortality
<u>Study</u>	Country, Device Reference	and type if	under 36° C	SSI All Inf. Morbid	iviortailty
	<u>itererence</u>	Surgery	dilaci so c	Cardiac	
				<u>Events</u>	
1.	U.S.	46,683	3%	.86 .68* .60*	.41*
	Warm Touch	General Sgy		N.S. *Significant, favoring warming	
	set @ 43°C			Trend	
	Anesth 2015;				
	123: 116-25				
				Surgical Site Infections	
2.	Holland	THA* – 415	27%	Surgical Site Infections  RR if cool 3.7 1% if warmed vs	
2.	Bair Hugger	TKA *- 257	2776	p=0.061 3.7% if hypothermic	
	J Arthroplasty	1101 237		5.776 if hypothernile	
	2013; 28:895-9				
	,				
			<b></b>		<u>Infection</u>
3.	Japan	1409	37.5%	RR = 1.0	<u>rate</u>
	Bair Hugger set @ 38° C	High risk GI patients.		if severe hypothermia (<35° C) Normothermia	33.3% 19.2%
	Surgical Infect	~ half with		Mild Hypothermia	17%
	2016	cancer		wind rrypothermia	1770
	Doi: 10.10.	carreer			
	1089/Sur.2015.				
	182				
4.	U.S.	1525	17%	Multi-variable logistic regression for	
	Bair Hugger	Orthopedic		deep SSI: OR 3.30 (1.19 – 9.14)	
	Orthopedics	patients		p=0.022	
	2016 39:e1170- 77	with hip fractures			
	''	nactures			
5.	U.S.	THA and	44%	1% if warmed	
	Bair Hugger	TKA	33%	1% if not warmed	
	Frisch NB et al	(N=2397)			
	Orthopedics				
	2017; 40:53-63				

<sup>\*</sup> THA stand for total hip arthroplasty (replacement)

Inf = infections

N.S. = not significant

<sup>\*</sup> TKA stands for total knee arthroplasty (replacement)

- 1. The 2015 U.S. study at Hopkins showed a 3.7 fold non-significant trend towards reducing SSIs but showed significant reductions of total infections, of morbid cardiac events, and deaths within 30 days.
- 2. The Dutch study of THA and TKA showed a benefit with warming at a borderline P value of 0.061. No clinician would ignore these beneficial findings in hip and knee arthroplasty patients.
- 3. The Japanese study showed no overall effect but an important reduction in patients with normothemia vs severe (<35°C) hypothermia in very ill patients.
- 4. The U.S. hip fracture study is the first and largest study analyzing the effect of intraoperative hypothermia in orthopedic patients. It showed a large protective effect if patients remained warm.
- 5. The U.S. study of THA and TKA showed no difference in warmed vs not warmed patients in terms of SSIs.

In general, the studies show the benefits of warming. Four of the five used a Bair Hugger warming device, three studied orthopedic patients and two of the studies focused on patients with THA or TKA.

Very recently, Rebeccah Baucom and colleagues in a  $6^{th}$  retrospective cohort study used 4 different definitions of hypothermia to examine any link of hypothermia to SSI: temperature nadir, mean intraoperative temperature, percentage of time at the temperature nadir and percentage of time with a temperature of less than  $36^{\circ}$ C. The adjusted odds ratio, respectively, for the 4 metrics of hypothermia were 0.96 (.75-1.22). 1.10 (0.60 – 2:00); 1.02 (0.90 – 1.16) and 1.17 (0.76 – 1. 1.81). Thus, very small non-significant odds ratios linking infection to hypothermia were noted for 3 of the 4 definitions of hypothermia. (R.B. Baucom et al., Association of Perioperative Hypothermia during Colectomy with Surgical Site Infection. JAMA Surg 2015; 150: 570-5).

It has now been shown that pre-operative warming of surgical patients plus intraoperative warming has benefit over intraoperative warming alone. (Andrzejowski J et al., Effects of prewarming on post-induction core temperature and the incidence of inadvertent perioperative hypothermia in patients undergoing general anesthesia. Brit J Anaesth 2008; 101:627-51). In a study of 68 patients undergoing spinal surgery, 31 were prewarmed, and 37 controls were without prewarming. Both groups had operative warming with the Bair Hugger. A smaller decease in mean core temperature was noted in the prewarmed group at 40, 60 and 80 minutes after induction (p<0.05). The AUC (area under the curve) of the prewarmed group was greater during the procedures than the controls (p<0.005). Any comparison of warming systems should take into account the concurrent use of prewarming systems.

#### d. Case Control Study

Recently Brown and colleagues from the Mayo Clinic reported data from a retrospective case control study examining the relationship of SSI to intraoperative hypothermia in patients undergoing clean surgery. The 10 year study involved 1335 patients with a SSI and 3683 controls. The authors examined the relationship of SSIs with composite SCIP - 10 compliance [surgical care improvement project that seeks a goal of normothermia] (AOR 0.89; Cl<sub>95</sub> . 63 - 1.24); with temperature compliance ( $\geq$  36°C) (AOR .92: Cl<sub>95</sub> .78 - 1.09); and forced air warming device documented (AOR.95: Cl<sub>95</sub> .76 - 1.19). None of the studies showed harm in the overall analyses. All adjusted odds ratios (AOR) were less than 1.0, suggesting a trend for fewer SSIs with warming compliance. None were statistically significant.

In further subset analyses (in their Table 4), there appeared to be a higher risk for SSI in general surgery patients, reduced risk in Neurosurgery patients, and trends for lower SSI rates if SCIP – 10 compliance was met for orthopedics, spine and vascular surgery patients. (Brown MJ et al. Intraoperative hypothermia and surgical site infections in patients with class 1/clean wounds: A case control study. J Am Coll Surg. doi: 10.1016/J. JAM Coll Surg. 2016. 10.050). It is of interest that the Mayo Clinic continues to use the Bair Hugger for surgery.

It should be noted that the Brown study (2016) was 20 years after the Kurz study (1996), 15 years after the Melling study (2001), and six years after the Darouiche study (2010) showing 40% reduction in SSIs with a switch from povidone-iodine to chlorhexidine alcohol skin preps.

It is likely that with increasingly successful efforts over time at controlling the microbiome and other risk factors for SSI, the <u>residual modifiable factors</u> were reduced, and study power to show a significant difference was low. The authors agree: "It is possible that these other measures at reducing SSI obscured any effect of perioperative hypothermia avoidance."

In summary, the benefits of warming are established and linked to reduced risk of SSIs. The Bair Hugger is established as an effective method of maintaining normothermia.

- e. National data in the U.S. in the era of the Bair Hugger.
   Trends in In-Hospital Major Morbidity and Infections after Total
   Joint Arthroplasty: United States 1998-2008 The increasing trends of comorbidity in U.S. patients. The manuscript by Kirksey et al Anesth Anal 2012; 115: 321-7 showed the following:
- i. The need to correct for rising comorbidities in the U.S.
  During the 1998-2008 study period, the number of total knee and total hip arthroplasties performed in the U.S. increased linearly (144% for TKA and 79% for THA); and by 2008, there were 616,000 TKA and 277,400 THA thus twice as many knee as hip operations.
  Importantly, the comorbidity burden (burden of underlying diseases) increased significantly over the study period and was associated with postoperative complications including sepsis.
  Specifically, the comorbidity burden increased 35% for TKA and 30% for THA patients over the decade. The incidence density of sepsis after THA increased from approximately 2 to 2.5 per

1000 hospital days over the decade. Of note, increases in sepsis were linked to increases in the comorbidy index. The term "sepsis" is not equivalent to prosthetic joint infections and includes pneumonia, urinary tract infection, bloodstream infection, sinusitis and other infections. The authors concluded that "the number of THAs and TKAs performed in the United States is rapidly increasing in an increasingly comorbidity – ridden population."

#### ii. National Data Corrected for Comorbidities

The data by Kirksey et al were confirmed in an analysis of the Mayo Clinic Total Joint Registry (1993-2005) known to have similar characteristics to the national U.S. cohort – see Sing JA and Lewallen D.G. Increasing Obesity and Comorbidity in Patients Undergoing Primary Total Hip Arthroplasty in the U.S.: A 13 year study of time trends. BMC Musculoskeletal Disorders 2014; 15:441. doi: 10.1186/1471 – 2474-15-441.

In multivariate analyses, compared to 1993-5, significantly more patients in 2003-5 had BMI  $\geq$  40 (OR 2.79 – Cl<sub>95</sub> 1.85 – 4.22); Deyo – Charlson comorbidity index  $\geq$  3 (OR 1.32; Cl<sub>95</sub> 1.07 – 1.63); depression (OR 2.25 – Cl<sub>95</sub> 1.66 – 3.05); and anxiety (OR 1.71 – Cl<sub>95</sub> 1.19 – 2.15). Thus, the odds of being morbidly obese or having many comorbidities were  $\sim$  3 fold more common in 2003 – 5 vs 1993 – 5; and the odds of being depressed or having anxiety were  $\sim$  2 fold more common in 2003 – 5 among joint replacement patients.

The authors concluded that "studies of THA outcomes should take these rapidly changing patient characters into account."

#### iii. Corroborating Data on Comorbidity Rises in the U.S.

In 1990, obese adults comprised less than 15% of the population in the U.S. states. By 2010, 36 states had obesity rates of  $\geq$  25%, and 12 of the 36 states had rates of  $\geq$ 30%. Current data show that 36% of U.S. adults are obese.

CDC. Overweight and Obesity: Adult obesity facts

Flegal KM et al. Prevalence of obesity and trends in the distribution of body mass index among U.S. adults, 1999 – 2010. *JAMA* 2012; 307: 491-7.

The prevalence of diabetes mellitus (DM) has been increasing all over the world. A 2011 CDC report estimated that DM affected ~ 25.8 million people in the U.S. (7.8% of the population) in 2010, of which 90 – 95% are type 2. Obesity contributed to ~ 55% of cases of diabetes mellitus. Dept HHS. CDC, 2010. National diabetes fact sheet: National estimates and general information on diabetes and prediabetes in the U.S. <a href="http://www.cdc.gov/diabetes/pubs/pdf/ndfs-2011.pdf">http://www.cdc.gov/diabetes/pubs/pdf/ndfs-2011.pdf</a>. (Prevalence of overweight and obesity among adults with diagnosed diabetes United States, 1984-1994 and 1999-2000. CDC (November 2004) mmwr.mmwr; 5 (45): 1066 – 1068).

A more recent study shows that the trends for physician diagnosed diabetes mellitus in the U.S. rose from ~ 5% to 12% between 1988-94 and 2005 – 2010. (Mozaffarian D et al, Heart Disease and Stroke Statistics – 2016 Update, A Report From the American Heart Association, *Circulation* 2015; 131: e29 – e322.)

In addition to an increased rate of carriage of *S. aureus* in obese surgical patients, another factor linking obesity to elevated SSI risk is subcutaneous tissue penetration of perioperative antibiotics. The pharmacokinetics and tissue penetration of cefoxitin in obesity has been studied by Toma, et al. and colleagues (See Toma et al., Pharmacokinetics and Tissue Penetration of Cefoxiting in Obesity: Implications for Risk of Surgical Site Infection, *Anesthesia & Analgesia*, 2011; 113:730-7).

Obese patients (N=14) were given 2 Grams of Cefoxitin preoperatively and subcutaneous levels were compared to healthy volunteers (N=11) and nonobese patients (N=2). Subcutaneous tissue concentrations were similar in the normal – weight healthy volunteers given only 1 Gram of Cefoxitin and the normal weight patients. In contrast, the subcutaneous concentrations in obese patients given 2 Grams of Cefoxitin were lower than those in the normal – weight subjects receiving 1 Gram and were approximately half those of the normal-weight subjects.

Since approximately 68 % of American adults are overweight (BMI  $\geq$ 25 Kg/M<sup>2</sup>), 33% are obese (BMI  $\geq$  30) and 6% obese (BMI  $\geq$ 30) and 6% morbidly obese (BMI  $\geq$  40), the risk factor of obesity for SSI is a huge problem among patients undergoing surgery (Flegal et al., Prevalence and Trends in Obesity Among US Adults, 199-2008 JAMA 2010; 303: 235-41).

The point about comorbidities, e.g. obesity and diabetes, is that they increase the risk of a surgical site infection. Thus, crude rates may be expected to increase over time if comorbidity frequency increases. To maintain a level playing field and look at true changes over time, the effect of the comorbidities needs to be considered. By analogy to the financial world, to examine the value of a dollar over time, one has to correct for inflation over that period.

- iv. Revisions of THA Over Time
  - The manuscripts by Kurtz et al. and by Cram et al. show the following:
  - From 1990 to 2002 the number of revision procedures almost doubled for hip surgeries [tripled for knee surgeries]. (See Kurtz et al., Prevalence of Primary and Revision Total Hip and Knee Arthroplasty in the United States From 1990 Through 2002, *J. Bone Joint Surg Am.*, 87:1487-97, 2005)
  - Revisions for total hip replacements constitutes ~ 20% of the volume of primary total hip replacements. (See Cram et al., Total Knee Arthroplasty Volume, Utilization, and Outcomes Among Medicare Beneficiaries, 1991-2010, JAMA 2012; 308:1227-36).

Infection rates are higher after revisions than for primary THA or TKA. Thus, when examining trends in infection rates, it is also important to separate the THA primary procedures and TKA primary procedures from combined THA and TKA data that also include revisions.

- v. Notes on THA-Associated Infections and Sales of Bair Hugger Devices: United States
  - Over time the number of THA and TKA and revisions increased.
  - The increases in orthopedic operations for these procedures occurred in an increasingly comorbid patient population.
  - Increases in sepsis over time were linked to increased comorbidity over time.

- Bair Hugger sales increased over time as hospitals chose to use the device for the increasing number of patients having surgery for THA and TKA and revisions of both.
- National data on THA show that between 1998 and 2008, infection rates increased from 2 to 2.5/1000 patient days.
- Increases in infection rates are correlated with increases in underlying comorbidity burden. At
  the NIS website the authors state that over time there is more bias likely in the earlier periods
  than more recent periods. Such statements suggest under reporting of infection rates earlier
  than later. Such underreporting earlier would tend to show a spurious rise in infections (sepsis)
  over time.
- No national data support causal link of Bair Hugger sales to infections after THA or TKA.
- vi. National Data Corrected for Comorbidities

In 2013, a group of orthopedic surgeons examined the question, has the rate of in-hospital infections after total joint arthroplasty decreased? (Rasouli, et al., Has the Rate of In-hospital Infections After Total Joint Arthroplasty Decreased?, Clin Orthop Relat Res (2013) 471: 3102-11). They examined the National Inpatient Sample (NIS) database from 2002 – 2010. The numbers of primary THA increased from 200,000 to just over 300,000 during the study period.

In examining the rates of prosthetic joint SSI over time, they used a measure of comorbidity (the Elixhauser Comorbidities) to correct for underlying illnesses. The overall rate of SSI during the period was 0.31%. UTI and SSI rates were both relatively flat over the period queried, but multivariate analysis indicates that when other demographic and clinical factors were controlled for, both infection rates <u>dropped</u> over time. This appears to be the first use of a comorbidity index to correct for confounders known to increase the risk of a surgical site infection after joint arthroplasty.

Thus, substantial rises in comorbidities have been reported by Kirksey et al, confirmed by Mayo Clinic data, and noted in U.S. trends for obesity and diabetes mellitus in several studies. When comorbidity is controlled – leveling the playing field over time – it has been reported that surgical site infection rates have fallen over time during the use of the Bair Hugger.

More recently the Centers for Disease Control and Prevention released their national data. (See CDC National and State Healthcare Associated Infections Progress Report, Based on 2013 Data, Published January 2015). In the report they utilized risk adjustment models to correct for procedure related risk factors. For THA and for TKA, comparing 2013 to a 2008 baseline, they show a 27% reduction in surgical site infections over time for THA and a 40% reduction over time for TKA. These data confirm the data of Rasouli et al. in showing reduced trending rates of SSI after joint arthroplasty in the era of the Bair Hugger.

So far, two favorable clinical trials data, the combined studies' estimates from a meta analysis data, six historical cohort studies, a case-control study, and the national trends of infection rates after primary THA and TKA corrected for comorbidities show no harm with forced air warming and the Bair Hugger specifically. They often show remarkable benefit.

f. Available microbiological data that show no signal for a link to SSIs from the Bair Hugger and provide biological plausibility for its non-risk.

Clinical studies surely have more weight than laboratory and other non-clinical studies for examining cause and effect relationships. Nevertheless, if any harm from the use of the Bair Hugger could be likely, one might expect to see suggestions from bacterial studies in a real or simulated operating room. On the other hand, if bacteriological studies showed no likely risk, they would in fact be further support for the favorable and more relevant clinical data.

Between 1991 and 2013 there have been eight studies attempting to determine if the Bair Hugger system increases viable bacteria at the surgical site or in the air of the operating room

<u>Author/Ref</u>	Key Design Points	<u>Outcome</u>	
R.S.Zink et al Anesthesia and Analgesia 1993;76: 50-53	8 volunteers on an OR table Agar plates placed on abdomen for 4 hours: 2h with warmer and 2h with control	No difference in CFU noted on the Agar culture plates	
A.C. Hall et al Poster Dec 9, 1991 Postgrad Assembly in Anesthesia (PGA) NY, NY	20 patients undergoing maxillofacial surgery randomized to: Bair Hugger (BH) or no Bair Hugger; culture plates in OR	BH No BH 7.35 CFU mean/ 7.27 CFU plate mean/plate	
J.K. Huang et al <i>Crit Care</i> 2003; 7.3: R 13	Air samples and wound specimens during 16 vascular surgery procedures using the Bair Hugger	A <u>decrease</u> in bacterial counts in air and around the patient after the use of the Bair Hugger	
W.E. Dirkes et al <i>Anesthesiol</i> 1994 81: No 3A (Sept)	An agar plate of $\beta$ -streptococci placed 10" from filter inlet; 2 warm air and 1 Bair Hugger. Air samples cultured.	occurred of the streptococci	
B. Moretti et al <i>J Hospital Infect</i> 2009; 73: 58-63	Air samples during 30 THA (mean age 64 for patients); 3 different sampling sites. CFU counted/M <sup>-3</sup> ; means are illustrated	Empty Theatre: Site Mean CFU A1 17.8 A2 19.4 A3 19.2	
		Immediately after patient on table – before use:  Site Mean CFU A1 79.2 A2 61.2	

		A3 69.3
		After Bair Hugger
		Site Mean CFU A1 41.7
		A2 42.2
		A3 42.2
	Experimental design in an	4/10 had growth if plates were
M.S. Avidan et al <i>Anesthesia</i> 1997; 52: 1073-6	empty OR; 9 Bair Huggers and 1 warm touch all convection	directly in air steam 16" below the end of the hose. No growth,
1337, 32. 1073 0	warmers'; examine growth on	however, if warmers connected
	agar plates	and blown through perforated
	Randomized study involving 100	<u>blankets</u>
L. Occhipinti et al Canad Vet J	canine surgeries; bacterial	4/58 positive drapes afer Bair
2013; 54: 1157-9	counts on surgical drapes	Hugger and 2/40 controls – no
	counted before and after	difference -
	surgery	
	Air samples in 2 empty theatres	
N. Tumia et al <i>J Hosp Infect</i>	and during 4 orthopedic	Non-significant rise in colony
2002; 52: 171 - 4	operations (3 THA and 1 shoulder op.)	forming units (CFU) between empty theatre and warmer off
	Shoulder op.j	and then a non-significant rise
		in CFU between warmer on and
		warmer off

In eight studies, 4 involved real patients, 1 was a veterinary study, and 3 involved simulated patients. All the studies were small and overshadowed in causal inference by the clinical data reported above. Nevertheless, all microbiological outcomes showed no signal for risk vs controls.

It should be noted that these publications between 1993 and 2013 were open and available to the public. These data stand in contrast to the unpublished, hidden data by Albrecht and others showing no increase in CFUs in various experiments with the Bair Hugger (see section vii b on particles, air bubbles, filter efficiency and cultures of the Bair Hugger apparatus). The unpublished data are further confirmation of the safety of the Bair Hugger.

More recently published data support the safety of the Bair Hugger (Oguz R et al. Airborne bacterial contamination during orthopedic surgery: A randomized controlled pilot trial: *J Clin Anesthesia* 2017; 38: 160-64). In that clinical trial 80 orthopedic patients were randomized to either forced air warming (Bair Hugger) or electric warming system (Hot Dog). The number of airborne bacteria was measured using sedimentation agar plates and nitrocellulose membranes at 6 standardized locations in the operating room. The authors report the following: In "multivariate analysis...the absence of unidirectional

turbulent free laminar airflow and longer duration of surgery increased bacterial counts significantly. The type of patient warming system and the number of health professionals had no significant influence on bacterial counts on any sampling site."

#### Summary – Benefits of avoiding hypothermia with use of forced air warming

Two clinical trials, one Meta-analysis, six historical cohort studies, one case control study, an independent review by the ECRI institute, two ecological national studies of prosthetic hip and knee infections in the Bair Hugger era, eight published microbiological studies, and seven unpublished and hidden microbiological studies of the Bair Hugger device are concordant with the conclusion that no harm results from use of forced air warming for surgical patients. A prospective clinical trial comparing the Bair Hugger vs the Hot Dog warming system showed no influence of either device on airborne colony forming units in the operating room. Almost all of the clinical studies employed the Bair Hugger warming system and several support a benefit, in fact, in reducing surgical site infections. No study shows harm with the Bair Hugger.

#### III. - Quality of the Data - Hierarchy in Ascribing Causal Relationships

In the hierarchy of studies designed to show evidence that one device is better than an alternative, prospective clinical trials are considered to have the highest quality and validity. These are prospective, controlled trials comparing one device to another in studies that are randomized and have blinded (masked) evaluation of critical end points. The studies have to be large enough to have an 80% statistical power to detect a clinically significant difference in the two systems if one exists. They are the gold standard for clinical decision making. If several small or large controlled clinical trials have been performed, a summary Meta-Analysis showing the average effect from all the data, can be performed.

In the absence of well-designed, large prospective clinical trials, large non randomized prospective cohorts showing a difference between one device vs another - <u>examined concurrently</u> - would be provocative and warrant a subsequent large clinical trial to show the relative value of the two systems being evaluated.

With respect to an alternative to the Bair Hugger, there has been no large prospective and controlled clinical trial showing a statistically significant improvement in outcome – a lower infection rate after surgery – with an alternative warming device.

There is no large controlled prospective cohort showing a statistically significant reduction in surgical site infection with use of an alternative to the Bair Hugger evaluated during the same study period.

There is also not a large retrospective trial - with <u>concurrent use</u> of both the Bair Hugger and HotDog device - suggesting a statistically significant reduction in surgical site infections with the use of an alternative to the Bair Hugger.

A single retrospective case-control study with many flaws suggested a better outcome with the Hot dog device than the Bair Hugger. The two devices were not compared concurrently, case finding methods were not described and many variables were not controlled. Only a univariate analysis was performed, and thus, the odds ratio reported is not supporting an independent predictor of infection. Several biases were present. See section VII C – The McGovern study.

At this point there are no compelling clinical data to show superiority of an alternative to the Bair Hugger for reducing surgical site infections. Specifically, no properly conducted clinical trial has shown that infection rates are significantly reduced with an alternative to the Bair Hugger. Current data do not show that an alternative to the Bair Hugger is safer than the Bair Hugger.

At the same time there are no compelling data to show that the Bair Hugger causes harm.

#### <u>Hierarchy of Studies Designed to Show Evidence of Superiority of One Device to Another</u>

- 1. Meta analysis of several well conducted, prospective clinical trials that were controlled, randomized, and blinded (masked).
- 2. Single well conducted prospective clinical trial that was controlled, randomized and blinded (masked).

- 3. Large, well-designed prospective observational cohort studies with concurrent use of both devices and well defined case definitions and case finding methods with analyses that control for confounding variables.
- 4. Large, well-designed retrospective observational cohort studies with concurrent use of both devices and well defined case definitions and case finding methods with analyses that control for confounding variables.
- 5. Case-control studies in which the groups are analyzed retrospectively for risk factors for a specific outcome.
- 6. Cross sectional survey in which cases and controls are examined at specific moment in time.

  Better case control studies of alternative therapies are those in which the alternative options were used during the same study period. This approach controls for changes in other variables, that would not be corrected in before vs after retrospective studies.
- 7. Case series a collection of cases that share a common time period or therapy; there is no effort to have concurrent controls or analyze for confounding variables.
- 8. Case reports.
- 9. Expert opinion.

(See Greenhalgh T., How to read a paper Getting your bearings (deciding what eth paper is about, BMJ 1997, 315: 243-6)

Note: If no clinical studies are available to provide evidence, animal studies may provide clues which could be examined subsequently in human studies. If clinical data and no animal data exist, exploratory in vitro and other laboratory-based studies may be used to test initial hypotheses. Such studies would necessarily prompt better studies in the hierarchy of high quality methods for ascribing causal relationships. The outcome of interest, of course, should be SSIs comparing the Bair Hugger with an alternative warming device.

See graphics related to the Bair Hugger on pages 19 and 20 (Figures 2a – 2d).

#### 2a. Hierarchy of Bair Hugger System Studies

## Hierarchy of Bair Hugger System Studies

#### Clinical Studies: Gold Standard for Medical Research

Randomized studies examining impact of Bair Hugger system on rate of surgical site infections

#### Biological Plausibility Studies: Next best evidence

Studies of biologically plausible endpoints closely related to surgical site infections:

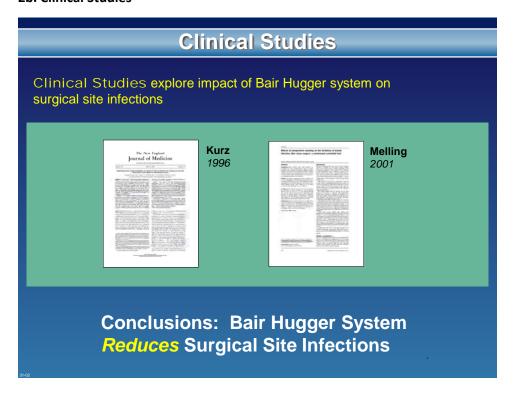
- · Deposition of bacteria on wound site itself
- Movement of airborne bacteria

#### Exploratory Studies: lack clinical relevance and have no predictive value

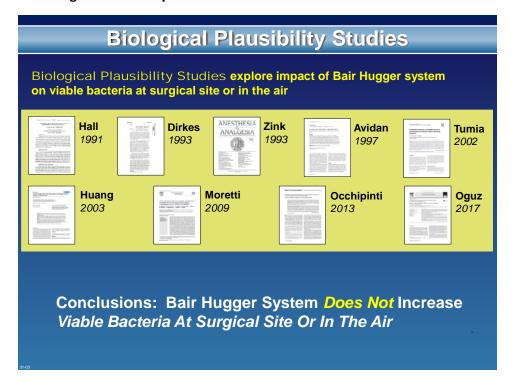
Preliminary studies generally used to develop hypotheses for use in developing higher level studies

- Surrogate endpoints not correlated with surgical site infections, but inform whether biological plausibility studies are warranted
  - Movement of particles
  - Impact on airflow, non-mobilized bacteria
  - Heat differentials

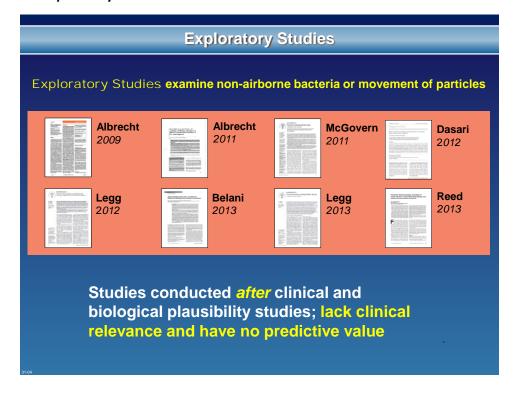
#### 2b. Clinical Studies



#### 2c. Biological Plausibility Studies



#### **2d. Exploratory Studies**



#### IV. The Microbiome

Introduction: Infection is a multifactorial event with several contributing aspects to the risk. For any given mode of transmission (direct contact, fecal-oral, airborne, blood borne, large droplet and others), the infectious risk is influenced by the following:

- Organism exposure dose and inherent virulence
- Environmental risk factors
- Host factors

In surgical site infections, host factors are very important. These include the participants' own comorbidity risk factors, genetics, immune status, and the microbiome of the patient. Below I introduce the concept of the host microbiome as part of host defense against infections.

#### a) Role of the Microbiome

The term microbiota is commonly used to describe the community of microorganisms (bacteria, yeasts, viruses) that colonize our skin, nasal passages, throat, vagina and gastrointestinal tract. The term *microbiome* is used to define the total aggregate of microbial genes located at a specific part of a person's body. I will use the term microbiome for both. Since many species of the microbiome cannot be cultured using standard methods, investigators have used new techniques to identify microbial genes to study the microbiome. A healthy microbiome assists people in warding off the very offensive bacteria e.g. strep or staph that can cause serious infections. People and various microorganisms colonizing the human body live in a "peaceful coexistence" relationship if we remain healthy. If the numbers of some bacteria become very large, if the bacterial composition of the microbiome is altered, or if the person's immune system fails, however, infection can occur.

Not surprisingly, antibiotics can sometimes kill off some of the "good" bacteria and allow a harmful one to dominate and cause infection. An example of the latter is the appearance of *Clostridium difficile* colitis, a serious and sometimes life-threatening infection of the colon after antibiotic use. The antibiotics kill off the "good" flora of the intestine, cause major alteration in bacterial composition, and select for the overgrowth of the *Clostridium difficile*. What is striking is the almost complete reversal of the infection in days after restoration of normal flora. (See S. Khanna et al, A Novel Microbiome Therapeutic Increases Gut Microbial Diversity and Prevents Recurrent Clostridium difficile Infection, *J. Infect Dis* 2016; 214: 173-81; Vehreschildet al., Fecal Microbiota Transfer 2.0, *J Infect Dis* 2016; 214: 169-70).

#### b) Numbers of bacteria of the microbiome

A perspective on the importance of the microbiome relates to numbers: on our body we have  $10^{13}$  human cells (a 1 followed by 13 zeros). However, on our skin and mucous membranes we have  $10^{14}$  microorganisms – thus 10 times as many microbes as human cells! When one examines the aggregate of microbial genes, they outnumber human genes by a factor of 1000 (EA Grice, The skin microbiome: potential for novel diagnostic and the therapeutic approaches to cutaneous disease, *Semin Cutan Med Surg 2014*; 33: 98-103). It is now recognized that the community of microbes and their genes can influence the outcome of the interaction of people and microbes. The same genus and species can cause serious infections in some patients and become "neutral," colonizing bacteria in others.

On the skin, each of the bacteria, yeast, and virus family members of the microbiome has a preferred location on the body, depending on local moisture or distribution of sebaceous glands or hair follicles, etc. Thus, certain organisms dominate some sites on the body and other organisms on other parts. If we injure our skin, an infection may result and is often due to the organisms living nearby on that part of the skin.

In people, maintaining a protective community of usual microbes on the body is important for health.

c) The role of the microbiome and surgical site infections

Without the protection of the skin barrier nearby, organisms that are part of the skin microbiome can invade the deeper layers of the skin and soft tissue below. In surgery, the integrity of the skin is disturbed by the incision, posing a risk of infection: organisms living in harmony in the nose, throat or skin near the incision can find their way to the incision site and cause a surgical site infection (SSI).

A cross-section of the skin (figure 3) shows the top layers of the epidermis and dermis, below which lies the subcutaneous fat tissue and then the muscle and bone tissues. Piercing the dermis are the tubules from the sweat glands and hair follicles of the sebaceous glands, located in the subcutaneous tissue. [Figure 4].

The sweat glands help regulate temperature, and the sebaceous glands provide sebum which lubricates the top layers of skin and provides a water proof surface.

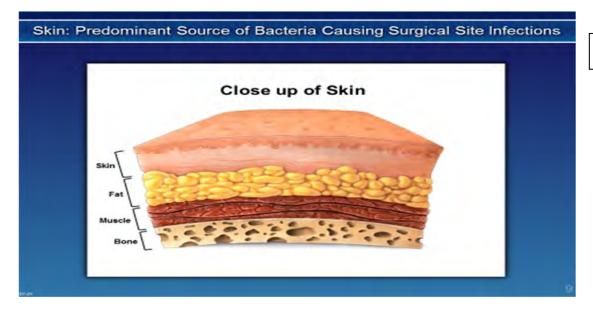


Figure 3

Importantly, bacteria of the microbiome reside not only on the skin surface but also on the hair follicles and in both the sweat glands and sebaceous glands (figure 4).

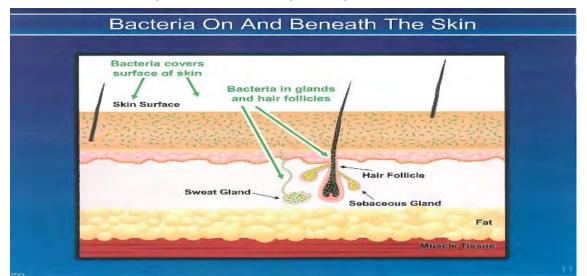


Figure 4

At the time of surgery the skin near the incision is prepped with an antiseptic designed to reduce the numbers of bacteria there. However, no current skin prep will kill all the bacteria on the surface nor the organisms below the surface in the sweat glands or sebaceous glands.

One can now see that if we could control the microbiome, we might prevent SSIs. Specifically for clean surgery, if we can control the microbiome of the skin and nasal passages, we will reduce the rate of SSI. Conversely, if we fail to control the microbiome, a surgical patient will develop a surgical site infection. Prior to surgery we physicians attempt to control the patient's microbiome by suggesting chlorhexidine showers to reduce the burden of staphylococcus and other bacterial counts on the skin; topical nasal antibacterial creams to "decolonize" the nose of *Staphylococcus aureus*; and best skin antiseptic preps just before the incision. To reduce the burden of infectious organisms in general, intravenous antibiotics are administered preoperatively to achieve a high blood and subcutaneous tissue concentration at the time of the incision.

Some patients are at higher risk than others for getting a surgical site infection by virtue of their having some underlying conditions such as diabetes mellitus, older age, obesity and other "comorbidities." It is thought that these conditions in some way alter the body's immune system or change the composition or nature of the microbiome.

Changes in the microbiome of the intestine have been noted in the following conditions: Obesity, diabetes mellitus, celiac disease, and others.

I am unaware of definitive studies to examine the skin microbiome in all of these conditions. However, an early study of *S. aureus* nasal carriage in children and in adults showed higher carrier rates in diabetics: See Smith JA et al, Basal Carriage of Staphylococcus aureus in Diabetes Mellitus, Lancet 1966 pp 776-7.

<u>Children</u> (157/531 were diabetic) <u>Adults</u> (324/578 were diabetic)

<u>S. aureus Carriage:</u>
<u>S. aureus Carriage:</u>

Diabetics 76% Insulin Dependent Diabetics 53%

Non-Diabetics 44% Non-Insulin Dependent Diabetics – 35%

Non-Diabetic 34%

In 2008, Gorwitz RJ et al reported on the changes in the prevalence of nasal colonization with Staphylococcus aureus in the United States, 2001 – 2004. In the NHANES survey they found that colonization with MRSA was independently associated with healthcare exposure in males, with U.S. born, age >16, diabetes, and poverty in females. (Gorwitz et al., Changes in the Prevalence of Nasal Colonization with Staphylococcus aureus in the United States, 2001-2004, J Infect Dis 2008; 197: 1226-34).

A 2006 study of *S. aureus* carriage in diabetics and non-diabetics in Japan showed that independent risk factors for carriage were insulin use (OR 3.32) and antibiotic usage within the prior six months (OR 5.750). (See, Tamer et al., Staphylococcus aureus in Nasal Carriage and Associated Factors in Type 2 Diabetic Patients, Jpn. J. Infect Dis. 2006; 59: 10-14).

In a study of 137 cases of community – associated MRSA (CA MRSA) cellulitis, the independent risk factors for MRSA vs other causes of cellulitis - included obesity (AOR  $2.33 - \text{Cl}_{95}$  and the presence of abscesses (AOR  $2.72 - \text{Cl}_{95}$  1.27 - 5.83). (See Khawacharoenporn, et al., Risk Factors for Community – associated Methicillin-resistant Staphylococcus Aureus Cellulitis – and the Value of Recognition, Hawai Med J, 2010; 69: 232-6)

In a study of obesity and *Staphylococcus aureus* nasal colonization among 2169 women and 1709 men in a general population, Olsen and colleagues found that in women, each 2.5 kg/M² increase in BMI was associated with a 7% higher odds of *S. aureus* nasal colonization (p=0.01). BMI was not associated with *S. aureus* nasal colonization in men, but high waist circumference was linked in men to *S. aureus* nasal carriage.

See Olsen K et al, Obesity and Staphylococcus *aureus* nasal colonization among women and men in a general population. P105ONE 2013: 8(5); e 63716. doi: 10. 1371/journal.pone.0063716.

Herwaldt LA et al described preoperative risk factors for nasal carriage of *Staphylococcus aureus*. Of 4030 patients, 891 (22%) carried *S. aureus*. **Independent risk factors for** *S. aureus* **nasal carriage included obesity (OR 1.29 with Cl\_{95} 1.11-1.50);** male gender (OR 1.29 with  $Cl_{95}$  ) 1.11 – 1.51); and a history of cerebrovascular accident (OR 1.53 with  $Cl_{95}$  1.03 – 2.25). (Herwaldt et al, Preoperative Risk Factors for Nasal Carriage of Staphylococcus aureus, Infect Control Hosp Epidemiol 2004; 2: 481-4.)

With respect to the microbiome one can say that certain conditions alter the composition such that diabetes and obesity increase nasal carriage of *S. aureus*. Nasal carriage of *S. aureus* is inked to increased risk of *S. aureus* SSI. Both diabetes mellitis and obesity are linked to increased risk of SSI, and some portion of that risk can be accounted for by the altered microbiome of the nasal passages.

Recently two microbiologists suggested that we abandon the term "pathogen' and instead focus on the reaction that occurs when a microbe interacts with a person. That interaction, described by Casadevall and Pirofski, yields one of three possibilities: infection (damage occurs); colonization (indifference) or commensal (benefit). These authors now incorporate the microbiome into the model, implying that variations in a person's microbiome influence the host response to a microbial challenge. Thus, a person and her microbiome are inseparable. (Casadevall and Pirofski, Ditch the term pathogen: disease is as much about the host as it is the infectious agent-the focus on microbes is hindering research into treatment, Nature 2014; 516:165-7.)

#### **Interim Summary**

We can think of the microbiome as part of the body's immune defense system. So in simple terms, if in any way we alter the microbiome defense system, the risk of infection rises. Both the density of the organisms and the composition are important factors.

When a patient requires surgery, it is important to assess that individual's risk for infection: What are the underlying illnesses that might alter the microbiome and increase risk? Has the patient been on antibiotics in the past 6 months that might have altered the composition of the microbiome? Are there several underlying problems such as obesity or diabetes that might combine to alter the microbiome and add risk for a surgical site infection? Afterwards we might ask, if a patient acquires a SSI, what is the likely origin of the offending organism causing the infection, and could it have become a preoperative member of the microbiome? Were all opportunities to reduce the risk of a SSI met with a good response?

d) Skin microbiome as the key source for SSIs after clean surgery

In 2010, Rabih Darouiche and colleagues reported a study comparing two alternative skin preps for reducing SSIs. In a study at 6 hospitals, 849 patients were randomized to receive the standard povidone iodine antisepsis vs chlorhexidine – alcohol skin prep. Within 30 days of surgery, infection occurred in 16.1% assigned to the standard povidone-iodine vs 9.5% assigned to the chlorhexidine – alcohol arm. The use of a chlorhexidine-alcohol skin prep is linked to a 40% <u>incremental reduction</u> of all SSIs resulting from reducing the microbiome of the skin at the area of the incision. (Dariouche, et al., Clorhexidine-Alcohol versus Povidone-Iodine for Surgical Site Antisepsis, N Eng J Med 2010; 362: 18-26.)

In another study, among 1147 patients undergoing a caesarian delivery those assigned randomly to chlorhexidine – alcohol prep had a relative risk of a SSI of 0.55 (Cl<sub>95</sub>.30-.90), compared to these whose iodine-alcohol. **Thus, reducing the microbiome with a better prep reduced SSI by 45%.** This study again illustrates the critical role of the microbiome. (*New Engl J Med* 2010; 362:18-26. M.G. Tuuli et al., A Randomized trial comparing skin antiseptic agents at Cesarean delivery, N. Eng *J Med* 2016; 1-9)

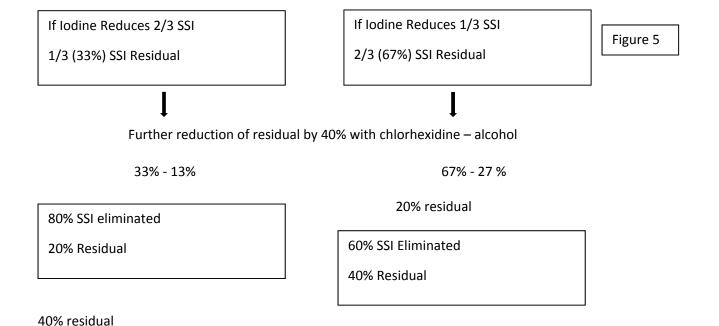
The 40% reduction in surgical site infections after better controlling the microbiome of the skin with topical chlorhexidine alcohol is an incremental improvement – above that expected with povidone-iodine. Although there are no clinical trials of povidone – iodine vs placebo control in surgical patients, some insight into the value of povidone iodine can be gleaned from the study by A. Gravett et al. That team performed a prospective, randomized study of 500 consecutive patients entering the emergency room with traumatic lacerations requiring sutures. Half of the group had a wound irrigation with normal saline without scrubbing, and half had a 60 second wound irrigation and scrubbing with 1% povidone – iodine (Gravett et al., A trial of povidone-iodine in the prevention of infection in sutured lacerations, Ann Emerg Med 1987; 16: 167-71).

Of the 201 povidone – iodine wounds followed up, 11 became infected (5.4%) (2 became purulent). Of the 194 control wounds followed, 30 became infected (15.5%) p< 0.01(12 were purulent). Thus, in that study ~ two-thirds of possible infections were eliminated with povidone – iodine and one-third remained.

If similar data would apply to general surgery patients ie if povidone iodine was already preventing two-thirds of infections, then removing an <u>incremental 40% on the remaining one-third</u> with a switch to a chlorhexidine – alcohol prep would be an absolute removal of an <u>additional 13%</u> (40% times 1/3 residual). The absolute remaining proportion of wounds still not controlled with chlorhexidine – alcohol would be one-third (33%) minus 13% or 20%. This rough estimate based on clinical trials suggests that 80% of potential SSIs can be currently eliminated with control of the microbiota of the skin. Even if povidone-iodine reduced total infections by only one-third, the 40% reduction of the remaining two-thirds (27%) plus the 33% already controlled by povidone iodine would imply a 60% control currently with skin prep alone. (Figure 5).

(See Gravett et al. A trial of povidone – iodine in the prevention of infections in sutured lacerations. Ann Emerg Med 1987; 16: 167 - 71.)

#### Modeling Residual SSI Source with Increasing Efficacy of Skin Preps



e) Mapping the Microbiota of the Skin – A Marker organism, *Propionibacterium acnes* 

In recent years it has become possible to begin to map the microbiome of the skin by looking at the genes of the bacterial microbiome at specific locations, a much more sensitive approach than cultures of organisms. Among the findings are that *S. aureus* is common to all areas of the skin but especially so in the under arm, groin, the webs of toes – areas of high humidity. Additionally, the upper back and upper chest is disproportionately colonized with

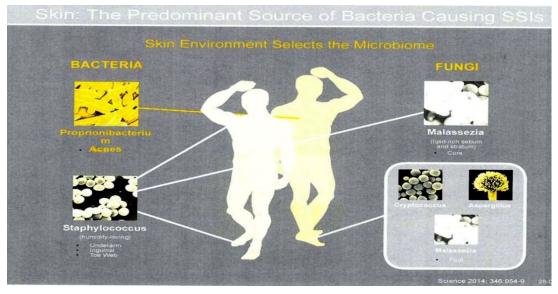


Figure 6

*Propionibacterium acnes,* an anaerobic, rod – shaped organism that prefers the environment of high levels of sebaceous glands. This species uses the sebum produced by sebaceous glands to grow and to metabolize to free fatty acids that help bind the organism to the upper back and upper chest. (Figure 6). If the local microbiome is the source of SSIs, one might expect that infection near the shoulder would show this marker organism more often than infections after knee or hip surgery that involve incisions over body surfaces not prevalent with sebaceous glands and *P. acnes*.

In that respect, it is of interest is to examine the bacterial causes of prosthetic joint infections (Figure 7). Whereas *S. aureus* and coagulase – negative staphylococci account for 43-83% of infections after joint implants, 24% of infections of shoulder joint prostheses are caused by *P. acnes*, the organism living near

		Percentage of Organisms Recovered			
		Hip	Knee	Shoulder	Elbow
Organisms Recovered	Staphylococcus Aureus	13%	23%	18%	42%
iteooverea	CNS- Both	30% 43%	23% 46%	41% 59%	41% 83%
	Strep	6%	6%	4%	4%
	Enterococcus	2%	2%	3%	0%
	Aerobic GNR	7%	5%	10%	7%
	Proprionobacterium Acnes (primarily found on back)			24%	1%
	Culture neg	7%	11%	15%	5%

Figure 7

the incision site for that operation. It is commonly found in shoulder prosthetic joint infections. (See Tande A and Patel R., Prosthetic Joint Infection, *Clin Micro Rev* 2014; 27: 302-45). This is a useful organism to study SSIs, since it is a marker organism, one not ubiquitous as coagulase negative staphylococci.

Corroborating findings include the fact that up to 51% - 56% of infections after rotator cuff surgery of the shoulder are caused by *P. acnes*. *P. acnes* is <u>not found commonly</u> after joint surgery of hips or knees or elbows. (P.Y. Levy et al., Propionibacterium acnes Postoperative Shoulder Arthritis: An Emerging Clinical Entity, Clin. Infect Dis 2008; 46: 1884-6; G.S. Athwal et al., Deep infection after rotator cuff repair, J Shoulder Elbow Surg 2007; http://dx.doi.org/10.1016/S. JSE 2006.05013).

In addition to the link of the microbiome near the shoulder and subsequent infections with *P. acnes* are also supportive microbiological data on similar patients with shoulder surgery:

P.M. Sethi and colleagues examined the frequency of *P. acnes* found in 57 patients undergoing primary shoulder arthroscopy. Most patients (58%) were undergoing rotator cuff repair.
 Positive skin cultures for *P. acnes* were found in 8.8% of patients before the incision and after the skin prep but as high as 31.9% at closure. 56% of patients had at least 1 positive culture, and 22.8% had ≥ 3 positive cultures.

(Sethi et al., Presence of Propionibacterium acnes in arthroscopy: results of aspiration and tissue cultures, J Shoulder Elbow Surg 2015 796-803, http://dx doi.org/10.1016/j.jse.2014.09.042)

In the discussion the authors noted that Matsen et al found *P. acnes* in 76% of non-prepped skin and an intraoperative 55% rate of positive cultures for a dermal layer in another patient group. Similar to the data of Sethi et al, Saltzman et al found only a 7% rate of *P acnes* after chlorhexidine – alcohol skin prep. (See F.A. Matsen et al, Origin of Propionibacterium in Surgical Wounds and Evidence Based-Approach for Culturing Propionibacterium from Surgical Sites, J Bone Joint Surg Am 2013; 95 (23): @ 1811-7. http://dx.doi.org/10.2106/JBJS. L. 01733)*M.D. Saltzman, et al, Efficacy of Surgical Preparation Solutions in Shoulder Surgery, J Bone Joint Surg Am 2009; 91: 1949-53. http://dx.doi.org/10.2106/JBJS.H. 00768.* 

Thus, the organism is nearby, accounts for a significant proportion of infections seen, in both rotator cuff shoulder repair and infections after prosthetic shoulder replacement, and is apparently not well controlled with existing antiseptic preps. It is already present at the surgical site before the incision.

Sethi's group followed up with a study of the efficacy of topical benzoyl peroxide on the reduction of *P. acnes* culture during shoulder surgery.
 (J.R. Sabetta et al., J Shoulder Elbow Surg. 2015, 995-1004; <a href="http://dx.doi">http://dx.doi</a>. Org/10.1016/J.JSE. 2015. 04.003)

The authors recognized that *P. acnes* resides in the sebaceous glands, that chlorhexidine – alcohol prep was inadequate for eliminating the organism at the time of surgery, and that benzoyl peroxide (BPO) commonly used to treat acne, penetrates the pilosebaceous duct. They hypothesized that BPO would incrementally reduce the burden of *P. acnes* in addition to the skin prep with chlorhexidine-alcohol. 5% BPO was administered topically twice a day preoperatively and on the morning of surgery – 5 doses total.

50 patients were studied, and most (68%) were undergoing rotator off repair. Before the skin prep, 16% of the BPO surgical site had *P. acnes* vs 32% on the skin of the deltoid on the untreated arm p=0.0001. The axilla was positive in 8% of BPO treated arms vs 28% of the untreated arms (.p=0.013).

<u>After skin prep</u>, with 3 applications of 2% chlorhexidine gluconate, 6.25% of samples grew *P. acnes* – a non-significant difference from control air swabs at 4%. At the end of surgery, 10% of skin cultures were positive, also not significant from air swab cultures.

The BPO application reduced pre-prep cultures by  $\sim 50\%$  vs the control arm. After adding the chlorhexidine alcohol prep, there was a further reduction of positive cultures for *P. acnes* from 16% on the deltoid to 6%, and from 32% in the axilla to 6% (See Table below):

#### Rate of Positive *P. acnes* Cultures by Specimen

Control Air Swab	Skin anterior deltoid/Axilla	
4%	Before preps:	
	BPO side deltoid – 16%	
	BPO side axilla – 8%	
	No BPO side deltoid – 32%	
	No BPO side axilla – 28%	
	<b>↓</b>	
	After skin prep	
End of procedure :	<b>↓</b>	
	Ant deltoid surg side – 6%	
Axilla surgical side – 10%	Axilla surg side – 6%	
Skin anterior deltoid surg side – 10%	Joint fluid – 4 %	
	Tissue 1, 2,3-6%, 2%, 6%	

The study confirms the dermis as the primary source of *P acnes*; BPO – a drug that penetrates the pilosebacious gland microbiome - reduced the risk of having a positive culture for *P acnes*, above a baseline and also above the rate seen after a skin prep. This drug has not been tested to measure its efficacy in reducing SSIs.

Currently, best estimates are that with improved skin preps the microbiome is better controlled and SSI rates have been reduced by 60-80%. With the marker organism, *P acnes*, proof of concept of the need to control the microbiome prior to shoulder surgery was shown with BPO, a drug that penetrates the pilo-sebacecus gland, affecting the microbiota.

• The skin adjacent to the spine is also a site for *P. acnes* residence. Among 489 patients operated on for correction of scoliosis studied by Richards and Emara, 23 developed delayed infection. *P. acnes* was positive in 12 (53%) of the 23 patients in the specimens obtained at the time of instrumentation removal (Richards, et al., Delayed Infections After Posterior TSRH Spinal Instrumentation for Idiopathic Scoliosis: Revisited, Spine 2001; 26: 1990-5). In another study, Sampedro and colleagues cultured the spinal implants of 22 patients with SSI and detected *P* 

acnes in 9 (41%) of the 22 patients. (Sampedro, et al., A Biofilm Approach to Detect Bacteria on Removed Spinal Implants, Spine 2010; 35: 1218-24). In a third study, Shiono and colleagues sent specimens for culture during spine correction surgery for scoliosis (N=80): 1) Swabs of the skin after povidone – iodine prep but before draping; 2) laminae bone immediately after exposure; 3) laminae bone immediately after screw placement; 4) laminae bone immediately before wound closure; 5) bone fragment immediately after exposure and kept covered; and 6) a bone fragment immediately after exposure but kept uncovered.

No SSIs occurred. Positive cultures for bacteria were found in 1) 31%; 2) 25%; 3) 31%; 4) 33%; 5) (7.5%) and 6) 9%). *P. acnes* were recovered in 15 and *P. species* in another 9. Aerobic Gram positive cocci were found in 3 and other bacteria in 6 specimens (Shiono, et al, Sterility of Posterior Elements of the Spine in Posterior Correction Surgery, *Spine* 2012; 6: 523-6). These are further data supporting the concept that local flora at the site of the incision harbor the bacterial that cause a large proportion of SSIs. The study by Shiono et al shows also that organisms are present soon after skin prep and soon after incision. Brian Walcott and colleagues in a review of infections following operations on the central nervous systems states that "..bacteria penetrate the wound at the time of the initial surgical exposure. It is likely that most wound infections are the result of direct contamination with the local microbiome..." The subtitle of his article is "deconstructing the myth of the sterile field" (Walcott, et al., Infection following operations on the central nervous system; deconstructing the myth of the sterile field, *Neurosurg. Focus* 2012; 33: 1-9, DOI: 10.3171/2012.8.FOCUS12245). The implication is that surgeons do their best to minimize the number of bacteria at the incision site, but it is never sterile but as clean as possible, given the microbiome and human activity in disturbing the microbiome.

Corroborating support that the airborne route of infection is not common in surgery and that the patient's microbiome is the source comes from observational data of Tammelin and colleagues. They prospectively studied a cohort of 65 adults undergoing elective coronary artery bypass grafting – with or without concomitant value replacement. They focused on the source and route of transmission of methicillin – resistant *Staphylococcus epidermidis* (MRSE) in the surgical wound (Tammelin, et al, Source and route of methicillin-resistant Staphylococcus epidermis transmitted to the surgical wound during cardio-thoracic surgery. Possibility of preventing wound contamination by use of special scrub suits, *J Hosp Infect* 2001; 47: 266-76).

Pre-incision cultures of the sternum and legs (vein donor site), air cultures in the operating room, OR staff members' cultures of hands after the initial scrub, and wound cultures just before closing were examined. Patients with MRSE on sternal skin had a higher rate of MRSE in the wound than those with no MRSE on the sternal skin (RR = 2.429 Cl<sub>95</sub> 1.43-4.10). Recovery of MRSE in the air during operation or on the hands of the scrubbed team was not linked to finding MRSE in the wound. The significance of sternal skin as the source of MRSE wound contamination was supported by fingerprinting the organisms (pulse field gel electrophoresis): 3 of 4 traceable isolates originated from the sternal skin at the incision site. In the same study patients were divided into those whose surgical team wore conventional scrub suits with a fabric air permeability of 121.L/min vs those with a cotton and polyester weave mid an air permeability of only 2.5 L/min. No mention of randomization was made. The authors note that the reduction of total air counts of bacteria by use of the tightly woven scrub suits did not reduce the air counts of MRSE or wound contamination with MRSE.

#### f) S. aureus Carriage and Risk of a SSI

One of the most feared organisms in prosthetic wound infections, and very common is *S. aureus*. A key question is where did the *S. aureus* originate? Data from various studies indicate that the majority come from the patients themselves. Furthermore, controlling the microbiome of the nares with topical antibiotics is linked to a significant reduction in *S. aureus* SSIs.

In the pre- Bair Hugger era (1959 – 1969), it was shown that 33 to 100% of surgical patients in 8 different studies had *S. aureus* SSIs that matched the strains carried in their nares. (See review by Wenzel and Perl J *Hosp Infect* 1995; 31:13-24. – The following Table is from that review).

#### S. aureus surgical site infections and the proportion of endogenous sources

Rates of postoperative wound infection in nasal carriers and non-carriers of *Staphylococcus* aureus

#### Rates of wound infection

First author	Year of report	No. infected/	No infected/	%
		No. colonized	No. not	Endogenous*
			colonized	
White	1964	20/106 (19%)	28/345 (8%)	66
Williams	1959	20/276 (7%)	7/342 (2%)	55
Public Health				
Laboratory	1960	73/821 (9%)	158/2235 (7%)	33
McNeill	1961	12/74 (16%)	11/113(10%)	42
Henderson	1961	22/264 (8%)	18/569 (3%)	30
Bassett	1963	24/442 (5%)	6/78 (8%)	58
Calia	1969	19/96 (17%)	16/173 (9%)	100

<sup>\*</sup> By phage-typing-showing same strains in preoperative nasal culture as identified in postoperative wound infections.

In none of the studies was the pathway to infection studied among carriers. From a review by Wenzel RP and Perl TM, The significance of nasal carriage of staphylococcus aureus and the incidence of post-operative wound infections. *J Hosp infect* 1995; 31:13-24.

The data show the rates of *S. aureus* SSIs among surgical patients who were *S. aureus* carriers were 2 to 3 times greater among carriers than non-carriers. \*The Bair Hugger had been in use for only 25 years in 2012; thus, none of these studies above were performed in the era of the

Bair Hugger. Thus, the carriage of *S. aureus* has been a recognized risk factor for *S. aureus* SSIs independent of forced air warmers.

Data from the review, shown in the table, illustrate the strong association of *S. aureus* SSIs and prior carriage of the same organism by patients undergoing surgery. The median data among studies showed that 55% of SSIs were endogenous strains carried pre-operatively (Williams). It is unclear how the patients acquired the infection, but they occurred without any warming device in use.

These data – well before the advent of the Bair Hugger – were confirmed in a 1963 report by J Burke from Harvard. In their quest to identify the sources of staphylococci contaminating the surgical wound during operation, they found that in 50% of operations studied (N=50), "Strains of staphylococci found in the patients' nose, throat or skin in the region of the proposed surgical wound were also identified in the wound just prior to closing." (John F. Burke, Identification of the Sources of Staphylococci Contaminating the Surgical Wound During Operation, Ann Surg 1963; 158:898-904).

In a study of the safety and efficacy of intranasal mupirocin for the elimination of *S. aureus* carriage, Reagan and colleagues showed the following (Reagan, et al. Elimination of coincident *Staphylococcus aureus* nasal and hand carriage with intranasal application of mupirocin calcium ointment, Ann Intern Med 1991; 15:101-6).

Among nasal carriers of *S. aureus*, 30-50% had the same organism on their hands pretreatment, and elimination of nasal carriage was significantly linked to a reduced hand carriage after therapy: 2.9% in the treated group vs 57.6% in the controls. This 53% difference was significant, after adjustment for the baseline frequency of hand carriage.

This study shows that nasal carriage is a marker for *S. aureus* carriage elsewhere on the body, and elimination of nasal carriage is linked to elimination of non-nasal carriage.

L.A. Mermel and colleagues examined known carriers of MRSA (N=60) and examined nasal and extranasal colonization. Samples showed positive cultures of  $\geq 1$  site in 53 of the 60. Sensitivity for a positive culture was 91% for nares, 63% for groin, 47% for perineum and 32% for the axilla. A relationship was found for  $\log_{10}$  counts in the nares and greater number of body sites colonized with MRSA. A correlation between diabetes and  $\log_{10}$  counts in the perineum was shown. (L. A. Mermel et al. Methicillin – Resistant *Staphylococcus aureus* colonization at different body sites: A prospective quantitative analysis. J Clin Micro 2011; 49:1119-21).

Since nasal carriage predicts carriage of *S. aureus* in the groin and perineum, it is reasonable to postulate that failure to control the carriage in the nose leads to failure to control the microbiome of the groin and perineum.

A number of more recent studies show similar results to those in the pre-Bair Hugger era. In a follow up randomized clinical trial among surgical patients, in the subset with nasal carriage of

*S. aureus*, 4 percent of those who received preoperative nasal mupirocin had nosocomial *S. aureus* infections vs 7.7 percent of those who had received placebo (OR 0.49 [Cl<sub>95</sub> .25 to .92]. (Perl TM et al., Intranasal mupirocin to prevent postoperative *Staphylococcus aureus* infections. *N Engl J Med* 2002; 346: 1871-7).

In a 2010 report of a clinical trial in preoperative nasal carriers of *S. aureus* using either nasal mupirocin ointment plus chlorhexidine soap vs placebo, the rate of *S. aureus* infection was 3.4% vs 7.7 %, respectively. The relative risk was 0.42 [Cl<sub>95</sub>. 23 - .75]. **Thus, almost 60% of** *S. aureus* **SSIs were prevented with current control of the microbiota of the nares and skin.** The effect was more pronounced for deep surgical infections with a risk ratio of 0.21 [Cl<sub>95</sub>. 07 to .62]. (Bode et al., Preventing surgical-site infections in nasal carrier of *Staphylococcus aureus*, *N Engl J Med* 2010; 362: 9 - 17).

In a cohort of 272 orthopedic patients in which risk factors for SSIs were examined, the only independent predictor of SSI due to *S. aureus* was high – level nasal carriage of *S. aureus* (P=0.002). (Kalmeijer et al., Nasal carriage of staphylococcus aureus is a major risk factor for surgical-site infections in orthopedic surgery, *Infect Control and Hosp Epidemiology* 2000; 21:319-23).

In a double-blind, randomized, placebo – controlled study among orthopedic surgical patients (N=614), eradication of nasal carriage of *Staphylococcus aureus* was 83.5% among those who were treated preoperatively with nasal mupirocin vs 27.8% in placebo recipients. All patients had prosthetic implants for hip, knee or back surgery. The rate of endogenous infections was 5 times lower in the mupirocin group (0.3%) vs the placebo group (1.7%). The total *S. aureus* SSI rate was 1.6% for the mupirocin group vs 2.7% for the placebo group. RR.59 (.20 – 1.79) – 63% reduction but not statistically significant. (Kalmeijer, et al., Surgical Site Infections in Orthopedic Surgery: The Effect of Mupirocin Nasal Ointment in a Double-Blind, Randomized, Placebo-Controlled Study, *Clin Infect Dis* 2002; 35(4): 353-8).

The above data have prompted one team of orthopedic surgeons recently to state that "for patients undergoing surgery requiring a prosthetic implant, nasal colonization with *S. aureus* is the most important independent risk factor for the development of an SSI." Goyal et al., Methicillin – resistant *Staphylococuss aureus* (MRSA), Colonization and pre-operative screening. (*Bone Joint J* 2013; 95-13: 4-9).

In a cross-sectional analysis of *S. aureus* nasal colonization in 284 orthopedic patients preoperatively, Price et al found that 30% carried *S. aureus* of whom 6% were MRSA; by 2005, 4% of such patients were MRSA carriers preoperatively. Of 282 evaluable patients, 9 (3.2%) developed infection. Five of 9 occurred in the arthroplasty group (N=94), four had *S. aureus* – 3 MSSA and 1 MRSA. (C.S. Price et al, Staphylococcus aureus Nasal Colonization in Preoperative Orthopaedic Outpatients, *Clin Orthop Relat* Res 2008; 466:2842-7).

The risk of infection following colonization with MRSA was found to be 4-fold greater than with MSSA colonization – in a review of 10 observational studies of 1170 patients. (Safdar et al, The

Risk of Infection after Nasal Colonization with Staphylococcus Aureus *Am J Med* 2008; 121; 310-15).

The risk of subsequent prosthetic joint seeding after a *S. aureus* bacteremia is also very high: David Murdoch and colleagues prospectively examined 57 patients with prosthetic joints who developed *S. aureus* bloodstream infection: 15/44 or 34% developed a prosthetic joint infection as a result. This contrasted with 1/15 or 7% with other not joint orthopedic devices. (Murdoch et al., Infection of Orthopedic Prostheses after Staphyloccus aureus Bacteremia, *Clin Infect Dis* 2001; 32(4):647-49).

Note: For general surgery and surely for orthopedic implant surgery, it is critical to eliminate *S. aureus* SSI and controlling the microbiome of the nares is key to minimizing *S. aureus* SSIs.

As shown above, in the last 15 years it has been shown that intraoperative warming decreased SSIs by  $\sim$  65 – 75% from the baseline. Because warming is linked to increased subcutaneous tissue oxygenation, the data are consistent with the idea that the microbiome of the skin (numbers or composition or function) is better controlled with perioperative warming.

The data on nasal carriage alone show that control of the microbiota of the nares can incrementally reduce *S. aureus* SSIs by  $^{\sim}60\%$  - 84%. This organism alone comprises 13% - 42% of prosthetic joint infections (Figure 5).

In the Bode et al study in which *S. aureus* SSIs were reduced by 60% with mupirocin and chlorhexidine skin washes, that reduction accounted for an absolute reduction of SSI of 7.5%.

If control of the microbiome of the skin currently has a residual SSI proportion of 20 – 40% (figure 5), addition of nasal mupirocin preoperatively would reduce the residual by almost 10% more. Thus, the updated residual proportion of SSI might be ~ 10% to 30% in 2017 with current control of the microbiome of the skin and nares. The point is that the vast majority of SSIs are currently recognized by available techniques to be endogenous – from the patients themselves, and studies show that SSIs can increasingly be controlled with better control of patients' microbiome.

### g) Newer Data on the Microbiome

In recent years it has been shown some patients (~20%) carry MRSA in the throat only – not in the nares. Since nasal carriage of *S. aureus* including MRSA is a risk for subsequent SSIs and since no routine perioperative protocol examines for or tries to eliminate throat carriage of *S. aureus* it is reasonable to propose that such carriage could be a risk for SSIs. (See Dalziel, et al., Nasal and Pharyngeal Carriage of Methicillin-resistant Staphylococcus aureus (MRSA) in Undergraduate Nursing Students, <a href="https://www.Asmoline.Education.com/php/ASM">www.Asmoline.Education.com/php/ASM</a> 2014; and Mertz et al, Throat Swabs Are Necessary to Reliably Detect Carriers of Staphylococcus aureus, *Clin Infect Dis* 2007 43:475-77; and Mertz, et al, Exclusive Staphylococcus aureus Throat Carriage, *Arch Intern Med* 2009; 169(2): 172-178). Of interest 3-29% of intubated patients develop a transient bacteremia with organisms usually found in the mouth, including *S. aureus*. (See Rijnders et al., Frequency of transient streptococcal bacteremia following urgent orotracheal intubation in critically ill patients, *Intensive Care Med* 2001; 27: 434-37; *Gerber, et al., Risk of* 

bacterermia after endotracheal intubation for general anesthesia, Southern Medical Journal, 1980; 73(11): 1478-80)

Valdes, The incidence of bacteraemia associated with tracheal intubation, *Anesth* 2008; 63: 588-92 Konstantinou et al., Difficult intubation provokes bacteremia, Surg Infect (Larchmt) 2008; 9 (5): 521-4 In the same concept, A.J. Preston et al showed that 43% of elderly patients admitted to acute care hospitals carry gram negative rods in their oral cavities. No studies have examined the throat as a source for SSIs due to Gram negative bacteria. (See Oral Flora of Elderly Patients following Acute Medical Admission, See Gerontology 1999; 45: 49-52).

A 2015 Danish study showed that there are organisms present in the nasal microbiota below the culture threshold and identified only by finding their genes. Each 10 fold increase in *S. aureus* gene density increased the probability of a positive culture by 30%. So culture of the nares – an insensitive lab testmay underestimate true carriage of *S. aureus*.

Furthermore, in studies of bacterial genes the authors found distinctive prevalent bacteria not known previously to dominate the nasal microbiome including Proteus and Serratia (See Liu et al., *Sci Adv* 2015; e 1 400216). Some information suggesting an expanded role of the nares as a source of SSI, comes from the data of Phillips et al. (Phillips, et al., Preventing Surgical Site Infections: A Randomized, Open-Label Trial of Nasal Mupirocin Ointment and Nasal Povidone-Iodine Solution, Infect Control Hosp Epidemiol 2014; 35: 826-32). The authors randomized 1697 patients undergoing arthroplasty or spinal fusion to topical chlorhexidine wipes with either twice daily mupirocin 2% ointment for 5 days prior to surgery or two 30 second applications of nasal povidone iodine 5% within 2 hours of incision. The study was an open label trial. In the intent to treat analysis, deep SSIs developed in 14 of 855 surgeries in the mupirocin group vs 6 of 842 in the povidone iodine group (p=0.10). *S aureus* developed in 5 of the mupirocin treated group vs 1 in the povidone iodine group (p-0.20). In the per protocol analysis, *S. aureus* deep SSI developed in the mupirocin group vs 0 in the povidone iodine group (p=0.03). Thus, if improved nasal decolonization is confirmed in further comparative studies of mupirocin vs alternatives, infection rates will be reduced further.

The new data are consistent with a broader role of the microbiome of the nose and pharynx in SSIs. So far no study has tried to reduce such carriage and examined the rates of subsequent infection.

## **Summary**

The concept herein is that by controlling the microbiome of the skin, SSIs can be significantly reduced, and failure to control the microbiome will lead to SSIs. Note that the Darouiche study and the Tuuli study data indicate 40 – 45% incremental reductions of SSI, above a baseline from the use of standard povidone iodine skin preps and perioperative antibiotic use. <a href="http://www.bjjprocs.bone">http://www.bjjprocs.bone</a> and joint.org.uk/content/go-b/jupp-1/140.4

The data on nasal carriage of *S. aureus* show a distinct link to *S. aureus* SSI and a significant reduction in *S. aureus* SSI if nasal decolonization occurs. Note that several studies have linked underlying diabetes or obesity with higher nasal carriage of *S. aureus* than those without such conditions.

Depending on the assumptions of the effect of povidone-iodine skin prep, a 40% incremental reduction in SSI, with chlorhexidine – alcohol plus  $\sim$  10% (all *S. aureus*) current reduction in SSIs with mupirocin

plus chlorhexidine preoperative skin washes, the residual SSIs are 10% to 30% of the pre-povidone iodine effect. Such estimates suggest that at least 70% to 90% of the source of SSI can already be explained by studies of the patients' microbiome.

The plaintiffs have argued that a substantial proportion of SSIs arise from ambient air in the operating room. Current data suggest that reducing the microbiome counts on the skin with improved skin preps and removing the *S. aureus* burden in the nares accounts for 70%- 90% of the source of SSIs. The skin prep data are consistent with the concept that bacteria of the microbiome are already present in the wound soon after the incision during surgery, and there is no need to postulate an airborne rate. This concept is strengthened by the *P.* acnes data after shoulder surgery and after posterior spine repair surgery. The studies of the source of methicillin – resistant *S. Epidermidis* contamination of the sternal wound with CABG surgery also supports the microbiome of the skin as source of infection at the time of incision. Even with the best control of the microbiome available today, the majority of infections are endogenous.

### V. Notes on Laminar flow and Rates of SSI

Laminar flow with reduced numbers of bacteria in the operating room air has been heralded as a strategy to reduce SSIs. This section examines the data.

In the remarkable study by Lidwell et al. who examined the effect of laminar air flow in operating rooms, he and his colleagues randomized 8004 patients undergoing THR or TKR. The risk ratio for infection was 2.6 favoring laminar airflow use ( $Cl_{95}$  1.8 – 4.2). However, the authors failed to control for the use of perioperative antibiotics which had an even higher risk ratio of 4.0 favoring use of antibiotics for preventing SSIs. (Lidwell, et al., Effect of ultraclean air in operating rooms on deep sepsis in the joint after total hip or knee replacement: a randomized study, Br Med J (Clin Res Ed) 1982; 285: 10-14). See more detailed notes later.

Subsequently, three studies showed <u>a worse outcome with the use of laminar air flow</u>, more SSIs with laminar airflow:

1) Brandt's retrospective cohort (N=99,230).

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OR 1.63 for THA (1.06 – 2.52)
OR 1.76 for TKA (0.80 – 3.85)
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(See Brandt, et al., Operating Room Ventilation with Laminar Airflow Shows No Protective Effect on the Surgical Site Infection Rate in Orthopedic and Abdominal Surgery, Ann of Surg 2008: 695-700)

2) Gastmeier's Systematic Review

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(over 75,000 TKA and over 120,000 THA)
OR 1.36 for TKA (1.06 – 1.74)
OR 1.71 for THA (1.21 – 2.41)
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(See Gastmeier, et al., Influence of laminar airflow on prosthetic joint infections: a systematic review, *J Hosp Inf*. 2012, 81:73-8)

3) Hooper's study of laminar air flow and space suits – 10 years' results of the New Zealand Registry (LAF in 36% and space suits in 24%)

(See Hooper, et al., Does the use of laminar flow and space suits reduce early deep infection after total hip and knee replacement, *J Bone Joint Surg. Br 2011; 93:85-90*)

Worse outcomes with LAF or space suits for SSIs

	Inf Rate	<u>P</u>
Space suits	.186%	
No space suits	.064%	< 0.0001
LAF	.148%	
No LAF	.061%	< 0.003
LAF and space suits	.198%	
No LAF and no Space suits	.053%	< 0.001

An <u>update on the New Zealand registry</u> (Tayton E.R. et al., The impact of patient and surgical factors on the rate of infection after primary total knee arthroplasty, Bone Joint J 2016; 98-6: 334-40) reinforced the earlier message: <u>Laminar flow systems appear to increase risk in TKA</u>. A total of 64,566 TKAs were followed. <u>The multivariate analysis showed that the OR for infection with the use of LAF was 1.6</u> (Cl<sub>95</sub> 1.04 - 2.47). They also saw an increase in SSIs at 6 months post operatively with use of surgical helmet systems. The data approached significance on multivariate analysis, with no significant difference at 12 months. The authors conclude that there "appears to be no significant benefit obtained from their use."

Peter Bischoff and colleagues preformed a systematic review and meta-analysis of LAF on SSIs (Bischoff, et al., Effect of laminar airflow ventilation on surgical site infections: a systematic review and meta-analysis, Lancet Infect Dis 2017; 17: 553-61). Eight cohort studies after THA (N=330, 146) showed an OR of 1.29 ( $Cl_{95}$  .98-1.17 p=0.07 for an increased risk); and six cohort studies for TKA (N= 134,368) showed an OR of 1.08 ( $Cl_{95}$  0.77 – 1.52, p=0.65). They concluded that there is "no benefit for LAF vs conventional turbulent air in THA or TKA surgery".

An accompanying editorial concluded that "Until evidence is truly provided, the recommendations should not include LAF technology in operating rooms for prevention of SSIs (Weinstein, et al, Laminar airflow and surgical site infections: the evidence is blowing in the wind, Lancet Infec Dis 2017; 17: 472-3).

Of interest, Rabih Darouiche and colleagues performed a small prospective, clinical trial in which 294 patients undergoing total hip arthroplasty, instrumental spinal procedures or vascular bypass graphs were randomized to an air barrier system or not. The intervention shields open surgical wounds from airborne bacteria. There were significantly lower particulate and CFU densities in the intervention group. Furthermore, CFU density was significantly related to deep implant infections (p=0.021) but not to incisional infections. All four implant infections were in the control group. This study examined a small pocket of air close to the incision. An unanswered question is if the organisms come from the patient's own microbiome or possibly the OR team. Organisms found in the air were not analyzed to compare with those found in the implant infection (MRSA in 1, MSSA in 2, multiple species in 1). As a result, there was a correlation shown between numbers of bacteria in the air and the probability of deep SSIs. The data fail to show cause and effect, however. (Darouiche et al., Association of Airborne Microorganisms in the Operating Room With Implant Infections: A Randomized Controlled Trial, Infect Cont Hosp Epidemiol 2017; 38: 3-10).

If airborne contamination could be linked to implant infections, a critical question is whether a forced air warmer or a comparitor would increase airborne counts.

• Quite recently Oguz and colleagues examined airborne bacterial contamination during minor orthopedic surgery (N=80 patients). They randomized patients to either a forced air warming patients (Bair Hugger) or an electric warming system (Hot Dog). In a multivariate analysis, they showed that absence of laminar airflow and longer duration of surgery increased bacteria in the air significantly. However, the type of warming system had "no significant influence on bacterial counts on any sampling site." (Oguz R. et al. Airborne bacterial contamination during orthopedic surgery: a randomized controlled pilot trial. J Clin Anesthesia 2017; 38: 160-64).

The current data strongly support the patient's microbiome as the key source of SSI in clean surgery. There has been debate since the Lidwell study as to the <u>route</u> of infection of the wound. However, a large volume of data suggest that the airborne route is not important. A key factor relative to the Bair Hugger is the prospective study by Oguz and colleagues in clean orthopedic surgery comparing the Bair Hugger to the Hot Dog warmer. Warming with either device had no influence on bacterial counts at any <u>sampling site</u>.

Ayliffe and others have shown that bacterial counts in the operating rooms are directly related to OR activity (Ayliffe, C. A. J. 1991. Role of the environment of the operating suite in surgical wound infection. Rev. of Infec. Dis. 13(Suppl 10):5800-5804). Subsequently the CDC, Joint Commission and AORN have guidelines recommending restricted traffic in ORs, (Mangram, et al, Guideline for Prevention of Surgical Site Infection, 1999, Infect Cont Hosp Epidemiol 1999; 20: 247-80; Spruce, Back to Basics: Preventing Surgical Site Infections, AORN in 2014; 99: 600-611). Until recently many also argued for LAF, since LAF systems reduce bacterial counts. Just as the efficacy and safety of LAF systems have been challenged, so recently has the role of operating room traffic as a significant cause of SSIs have been challenged.

Bohl and colleagues performed a prospective cohort study of 1944 neurosurgical cases and a subsequent randomized single blinded, controlled clinical trial (N=1116) assigning half of the surgeons to regular traffic and half to a low traffic protocol (Bohl et al, The Barrow Randomized Operating Room Traffic (BRITE) Trial: An Observational Study on the Effect of Operating Room Traffic on Infection Rates, Clin Neurosurg 2016; 63; 91-95). In the cohort study, there was no significant difference in total door traffic route between the SSI and non-SSI group; paradoxically, there was a lower infection rate (p<0.001) with higher main-door traffic. In the randomized trial, the authors again found a paradoxical trend toward higher SSI risk in the low traffic protocol (3.2% vs high traffic 1.5%, p-0.06). The p value for "take backs" to the OR were respectively 3.1% vs 2.1% p=0.09). The authors concluded that the potential benefits of OR restrictions in reducing SSI rates in, at best trivial and is possibly nonexistent.

So far there are no compelling data linking airborne organisms in the operating room to SSIs. Four cohort studies and a recent meta-analysis show harm - not benefit - with the use of laminar flow systems. OR activity is linked to higher bacterial counts, yet a recent study shows paradoxical benefit with increased main door traffic. Further studies of traffic are needed to confirm the initial findings. A small study (4 deep infections) with a new device to control air near the operative site links bacterial and particulate counts to probability of deep joint replacement infection but no microbiological air and wound cultures were performed. A study of operative room bacteria in the air with Bair Hugger vs HotDog devices in orthopedic surgery shows no contribution to CFUs with either.

# Early Studies on Ultraclean Air: Lidwell and Colleagues – 1980s

• Notes on Lidwell OM et al MS, "Effect of ultraclean air in operating rooms on deep sepsis in the joint after total hip or knee replacements: a randomized study." (*Br Med J* 1982; 285: 10-14).

This was an ambitious study of over 8000 patients from 19 hospitals in England (n=11), Scotland (n=4) or Sweden (n=4). The study took 5 years to complete. Those operated in ultraclean OR air had a crude infection rate of 0.6% vs 1.5% in those in turbulent OR air (RR 2.6 and  $Cl_{95}$  of 1.6 to 4.2).

The study was flawed, unfortunately, with surgeons' optional use of antibiotics preoperatively, which had an infection RR of 4 ( $Cl_{95}$  2.6-6.2): 0.6% infection rate with antibiotics vs 2.3% without perioperative antibiotics. In the turbulent OR only groups, the risk of infection without antibiotics was 3.4% vs 0.8% with antibiotics for a RR of 4.2.

From table 4- looking only at those patients in ultraclean OR air rooms there were 26 infected among 2120 (1.2%) not given antibiotics vs 20 of 5526 (.36%) among those on antibiotics, a RR of 2.41.

It appears that antibiotics had a greater impact than ultraclean air; yet ultraclean air plus antibiotics had a somewhat lower RR than turbulent air plus antibiotics 3.42 vs 4.2.

### Other comments:

Much can change over a 5 year study period including improved technique, and the authors in the introduction note an attack rate for infection "as high as 10%: and with other surgeons very low. "The skill of the surgeons was not accounted for in this study." The timing of reported infections (month and year of study) would have been useful to know to see if skill improved over time. One hospital (in group 1) of the 19 hospitals accounted for one-third of all cases of sepsis, and in the entire study 40% of isolates were *S. aureus*. Thus, a common source outbreak or cluster might have accounted for the findings, which was not investigated.

There was no uniform method of random allocation (page 11).

• Notes on Lidwell O.M. et al MS: "Airborne contamination of wounds in joint replacement operations: The relationship to sepsis rates." *J Hosp Infect* 1983; 4:111-131.

A further analysis of the data from the 1982 publication focused on the correlation of the numbers of airborne bacteria and joint sepsis rates as well as correlations between the numbers of airborne bacteria and numbers of bacteria from wound washouts.

Approximately 20 air samples were taken at each of the 15 hospitals studied for each ventilation-clothing combination (ultraclean vs conventional, and conventional clothing vs body exhaust systems). This was  $^{\sim}$  10% sample of operations and 42 ventilation – clothing combinations. The authors lumped 6 to 9 of the 42 combinations into 6 groups. Thus, some surgeons and hospitals were represented in several of the 6 groups.

In each hospital the number of colony forming units was counted and the mean for each ventilation-clothing combinations noted. Subsequently, a geometric mean of the means was calculated for the 6-9 hospitals in each combination and used for the correlation with infection rates for each of the 6 groupings.

Crude correlations were made, and the authors performed a number of regressions to define the relationships arithmetically between the geometric means of airborne bacteria and the lumped infection rates of the 6 hospital groupings.

It should be noted that the geometric means were crude numbers and there was **no detailed study to** show that any specific organism in the air was linked to an organism causing an infection in a specific patient.

The bigger problem relates to the original flaw – failure to correct for the use of preoperative antibiotics, which could affect both the mean number of bacteria in the wound and in the air. The authors agree (p123), "the colony counts were also less when prophylactic antibiotics had been given," and also (p126), "similarly, the reduction in the numbers of bacteria in the wash-outs associated with the use of antibiotics is similar to the 4:1 reductions in the incidence of sepsis among patients who received prophylactic antibiotics" (Lidwell et al 1982).

There is an untested assumption in this paper i.e. that bacteria found in the air later fell into the wound. It seems possible that in operations where there are drills, saws, suctioning, and cautery, the organisms in the wound are splashed into the air. As such the control of the microbiome with perioperative antibiotics would have reduced the numbers of bacteria in the wound and thus subsequently, those in the air.

## Other comments:

Though the authors predict that 90% of infections derive from the OR air, this has been easily discredited with current empirical studies. (See Bode et al *NEJM* 2010; 362:9-17 and Darouiche et al *NEJM* 2010; 363: 18-26). In their correlation model the number of organisms in the washout of the wound (W) is the sum of contamination (D) plus non-airborne contamination (K) plus the number found in the air (A). The authors never measured K and in the model assume it is low. Thus, A will be disproportionally high, yielding a falsely high ratio to W. Most importantly, **no infection dose was ever measured and no airborne count linked to specific infections**.

 Notes on Lidwell OM et al MS, "Infections and sepsis after operations for total hip or knee-joint replacement: influence of ultraclean air, prophylactic antibiotics and other factors." J Hyg Camb 1984; 93: 505-529.

The authors now focused on wound infection and sepsis not involving the joint, some differences in outcomes for knee vs hip surgeries, and the influence of underlying rheumatoid arthritis. 17% of patients had rheumatoid arthritis, but in 7/19 hospitals the prevalence exceeded 20% (maximum 34%) In the remaining hospitals (12/19) it was under 13% (low of 1%).

The authors state clearly (p.510), "Reasons have been given for believing that the apparent large reduction in the risk of joint sepsis was for the most part genuinely due to effects of antibiotics."

## From Table 1:

Antibiotics in control group -24/2968 became septic; antibiotics in ultra clean group -9/1279 became septic (p value  $0.85 \, \underline{\text{not significant}}$  Fisher's exact test). Thus, so long as antibiotics were given, lower rates were seen compared with the no antibiotic group. However, no significant difference in antibiotic group with conventional air vs the antibiotic group with ultra clean air. Thus,  $\underline{\text{no incremental boost was seen with ultraclean air}}$ .

Thus, the statement in the summary "the effects of ultraclean air and antibiotics were additive," (p. 505) is not substantiated. The authors also stated (p. 507), "the reduction in bacterial contamination of the wound due to a cleaner atmosphere and the increased resistance to infection from the use of antibiotics appear to combine together independently and multiplicatively."

A key point was made by the authors (p. 518), "when followed by joint sepsis, the incidence of major sepsis for operations done without antibiotic prophylaxis was 7.9 times that for operations done with such prophylaxis; and the incidence for operations done in conventionally ventilated operating rooms was 2.8 times that for operations done in ultraclean air."

	<u>Antibiotics</u>	No Antibiotics
Conventional Air	Major 0.6% Minor 3.7% Infection Rate	Major 2.3% Minor 5.1 % Infection Rate
Ultraclean Air		Major 0.7% Minor 5.2% Infection Rate

Thus, the role of major sepsis is the same in ultraclean air with no antibiotics as in conventional air with the use of antibiotics. It appears that ultraclean air had no effect on minor infection in the absence of antibiotics.

85 patients had "suspected joint sepsis" but were not re-operated on. Though the authors' surmise that the majority were in fact infected, clinical experience is that if infected, almost all would need reoperation in order to be cured.

S. aureus isolated in 258 cases

Phage typing in 115 of 258 cases

36/115: matched the phage type of a person in OR

55/115: no match with a person in OR

24/115: 18/nontypable with similar characteristics of those of people in OR

9/18 involved one surgeon

6/24 – possible match to a person in OR

A more detailed – examination in from table 8:

Of 115 *S. aureus* isolates:

23 were probably from patient (20%)

2 were probably from surgeon (2%)

11 were probably from assistants (10%) and an additional

6 were possibly from patient (5%)

9 ½ were probably from surgeon (8%)

8 ½ were probably from assistants (7%)

55 - no source found

Probably or possible from patient - 25% Probably or possible from surgeon - 10% Possible or probably from assistants - 17%

The authors found the risk of joint sepsis among rheumatoid arthritis patients to be double that for patients without rheumatoid arthritis. This was not corrected for in the primary analysis.

The authors state (p.522) that, "The outcome of the operation improved generally over the period of the study." The magnitude of the effect (p.527) corresponded to an average fall of  $\sim$  50% from the first to third year.

It appears that the data show that ultraclean air influences only severe wound infections whereas prophylactic antibiotics influence both severe and milder infections (p. 525).

Of interest the authors state that the "use of cloxacillin or flucloxicillin alone did not appear to affect the incidence of joint sepsis associated with intestinal – type organism, but that this was reduced or eliminated when wide spectrum antibiotics were given...." In general, intestinal organisms are uncommonly found in the air. If cleaning the air was a critical factor, these intestinal organisms – assumed to fall into the wound from the air - would also be reduced. Instead, the data show that the patients' microbiome was the problem, that failure to control the intestinal organisms was the result of inactive preoperative antibiotics for these (Gram negative rods). On the other hand the antibiotics used would be expected to reduce Gram positive cocci e.g. staphylococcus and streptococcus and substantially reduce infections caused by these. This is exactly what occurred.

If patients develop a SSI after surgery including arthroplasty with organisms that comprise the normal flora of their skin and nares, for some reason their microbiome was not completely controlled. The next question is, can we differentiate the high risk patients for a SSI from those at lower risk. The discussion of risk factors for SSI follows.

### **VI. Risk Factors**

a) Markers of elevated rates of SSIs. Risk factors are those features of the patients or of the elements of their care that increase or decrease the expected baseline rate of disease. They help explain the answer to the question, why do some people get an illness such as an infection and others do not. Risk factors are often identified by comparing those with an illness with those who did not acquire the illness in what are referred to as case - control studies. In such studies the cases and controls are examined for the potential risk factors in a defined number of days prior to infection in the case. In retrospective studies, they are quantified by *odds ratio* – a comparison of the odds of infection for example – among those exposed to "X" to the odds of infection among those not exposed to "X".

In the U.S., approximately 1 million patients undergo prosthetic joint implants each year and  $\sim$  1% develop a prosthetic joint infection. Risk factors identify those at higher risk for a SSI. Once it is established that a risk factor for infection exists, efforts to reduce the exposure are made in attempts to minimize or eliminate the infection.

For decades, anesthesiologists have gauged a surgical patient's fitness for surgery using the ASA (American Society of Anesthesiologists) score preoperatively:

## ASA Score

- 1. Healthy
- 2. Mild systemic disease (well controlled disease of one body system)
- 3. Severe systemic disease (controlled disease of more than one body system)
- 4. Severe systemic disease that is a constant threat to life

(See <a href="http://my.clevelandclinic.org/health/treatments">http://my.clevelandclinic.org/health/treatments</a> - and procedures/regarding ASA score).

The Centers for Disease Control and Prevention (CDC) subsequently utilized the ASA as an element in their risk assessment for SSIs:

CDC NNIS Risk Index Score No. Points	<u>SSI Risk</u>	Criteria for CDC NNIS Points:
0	1.5%	1 – if contaminated or dirty surgery
1	2.9%	1 − if ASA ≥ 3
2	6.8%	1 – if op time exceeds the 75 <sup>th</sup> percentile for that procedure
3	13%	(>3 hour for joint replacement)

See Pear SM. Patient risk factors and best practices for surgical site prevention managing. *Infect Control* 2007 (March):55-64

An ASA score >2 was also shown to be an independent risk factor for periprosthetic joint infection in a study of 9245 patients undergoing primary hip or knee arthroplasty – odds ratio 1.95 ( $Cl_{95}$  1-3.7) (L Pulido et al *Clin Ortho Relat Res* 2008; 466: 1710 - 15).

A Duke University case – control study of elderly surgical patients (age 65 or older) showed the following to be significant independent risk factors for a surgical site infection:

<u>Variable</u>	Odds Ratio (Cl <sub>95</sub> )
Obesity	1.77 (1.34 – 2.32)
COPD	1.66 (1.17 – 2.34)
Contaminated or Dirty Surgery	1.65 (1.0 – 2.72)
Private Insurance	0.29 (0.12 – 0.68)

The study included 569 SSI cases and 580 controls; 18% had orthopedic infections. (Kay K. et al J Am Geriatr Soc 2006; 54: 391-396).

As an example of how to interpret the data is that the presence of obesity increased the risk for a SSI by 77% above the baseline. The statement that these are <u>independent</u> risk factors means that the estimates are already controlled for the presence of other potential risk factors, including COPD.

# <u>Infection of the Surgical Site after Arthroplasty of the Hip: Independent Risk Factors</u>

Number of THA = 16,291

Rate of SSI = 2.23%

Ridgeway S et al J Bone Joint Surg (Br) 2005; 87: 844-50

# Multivariate Analysis of Risk Factors for SSI

	<u>Variable</u>	<u>OR</u>	<u>Cl<sub>95</sub></u>	<u>P</u>
Trauma	No	1		
	Yes	1.87	1.5 - 2.34	<0.001
Age	<65	1		
	65-74	1.13	.85-1.5	
	74-79	1.56	1.16 – 2.10	
	<u>&gt;</u> 80	1.66	1.24 – 2.21	0.001
ASA	<3	1		
	≥3	1.55	1.29-1.88	< 0.001
Duration of				
Surgery (Min)				
<60		1.04	.82 – 1.34	
60-90		1	Baseline	
90-120		1.23	.96-1.57	
> 120		1.58	1.23 – 2.03	0.004

Trauma, older age, higher ASA, and longer surgery time each predicted an above average risk for SSI.

## Risk Factors for SSI

MA Olsen et al. Risk factors for surgical site infections following orthopedic spinal operations J Bone Joint Sgy 2008; 90: 62-9

Case Control Study

46 Infected and 227 uninfected controls: rate SSI - 2%

## Independent risk factors

Risk Factor  DM  Preop Glucose > 125	OR 3.5	<u>Cl<sub>95</sub></u> 1.2 - 10
mg/dl % or postop 200 mg/dl	3.3	1.4 – 7.5
Obesity	2.2	1.1 – 4.7
≥ 2 surgical Residents participating	2.2	1 – 4.7
Suboptimal timing of antibiotics Key: DM= Diabetes mellitus OR= Odds ratio	3.4	1.5 – 7.9

Cl<sub>95</sub>= 95 percent confidence interval

- This study is relevant to orthopedic surgery. With the presence of diabetes mellitus, a preoperative glucose over 125 mg/dL and obesity, a patient would have a higher than average risk of acquiring a SSI. Independent risk factors such as those found in a logistic model that are present in the same patient are additive. In this model such a patient would have a very much increased surgical site infection risk compared to patients without such risk factors by virtue of his diabetes mellitus, a preop glucose over 125 mg/dl and obesity. His risk would be 3.5 + 3.3 + 2.2 or 9 times greater than patients without any of these three risk factors.
- If the baseline rate of infection is 1% or 1.5% or 2%, that patient's predicted infection risk would be 9%, 13.5% or 18%, respectively without considering other risk factors for infection.

Another case control study confirmed the importance of diabetes as a risk factor with an OR of 3.91 (P=0.04) Lai et al J arthroplasty 2007; 22:651-6

Importantly, Dowsey MM et al showed the outcome among patients who were both diabetic and obese in a study of 1214 consecutive primary total hip arthroplasties *Clin Orthrop Rel Res* 2009; 467: 1577-81

Total infection Rate 1.5% (N=18)

<u>Variable</u>	<u>OR</u>	Cl <sub>95</sub>
Morbid Obesity	8.96	1.59 – 50.63
Diabetes	6.87	2.42 – 19.56
Men	5.93	1.95 – 18.04
Surgical Drainage	0.24	0.06-0.95

Of interest, there were no prosthetic joint infections (PJI) among diabetics who were not obese; 11 PJI if both diabetes and obese; 4 PJI if obese but not diabetic.

# Smoking as a Risk Factor for Surgical Site Infections after Orthopedic Implant Procedures

Title: Smoking is a risk factor for organ/space surgical site infections in surgery with implant

materials

Authors: F. Duran et al

Journal: int Orthop 2013; 37: 723-7

Largest orthopedic cohort studied: 17 French hospitals and 3908 patients; smokers comprised 16.4% and non-smokers 83.6%

59% THA and 30% TKA with 11% others

• Multivariate analysis of predictors for SSI in the 12 month follow-up: smoking had an odds ratio of 2.2 with  $Cl_{95}$  of 1.4 - 3.7.

Comment: The model suggests that smoking, independent of other risk factors, doubled the baseline risk a surgical site infection after a joint replacement.

# Alcohol Consumption and the Risk of Nosocomial Infections in General Surgery

Prospective study of 1505 patients Delgade-Rodriguez M. et al BR J Surg 2003; 90: 1287-93

Men and heavy alcohol consumption

(Defined as over 108 Grams/d) increased the rate of all site nosocomial infections: Odds ratio 2.51 (Cl<sub>95</sub> 1.06-5.96), and in hospital Surgical Site Infections: odds ratio 2.16 (Cl<sub>95</sub> 0.84-5.59-1.06).

# Health Care Associated Infections in Surgical Patients Undergoing elective surgery: Are Alcohol Use Disorders a Risk Factor?

(de Wit, et al, Health Care-Associated Infection, J Am Coll Surg 2012; 215:229-36).

Over 1 million patients evaluated: Hospital acquired infections in 38,335 (3%); Surgical site infections in 0.5%

Alcohol abuse in 0.9% (11,640 patients)

Hospital acquired infections and Surgical Site Infections were strongly associated with heavy use, respectively:

Odds ratios, respectively of 1.7 and 2.73 ( $P < 10^{-6}$ )

Heavy drinking defined > 4 drinks/day or over 14/week for males

# Comment: The data suggest a doubling of infection risk with heavy alcohol consumption alone.

In a study of comorbidities in patients with infected hip or knee arthroplasties, Lai and colleagues should that each of numerous medical comorbidities increased the risk of infection by 35% (OR 1.35 in univariate analysis); because this variable was linked to all other medical conditions, it was not entered into the adjusted analysis. In the latter the odds ratio for diabetes, an independent predictor, was 3.91 (1.06 - 14.44), p 0.041. (J Arthroplasty 2007; 22: 651-6).

CC Sheth and colleagues showed that alcohol and tobacco consumption affect the oral microbiome, specifically the carriage of *Candida Albicans* and *Streptococcus mutans*. (See Sheth, et al., Alcohol and tobacco consumption affect the orial carriage of Candida albicans and mutans streptococci, *Lett Appl Microbiol* 2016; 63: 254-9). Saliva samples of 105 patients were studies and patients stratified by duration and quantity of alcohol and tobacco consumption. Tobacco users harbored elevated levels of *C. Albicans* and alcohol consumption statistically significantly decreased the oral carriage of *S. mutans*. Such studies suggest that the microbiome is altered with some recognized risk factors for SSIs. More studies are needed on surgical patients, however.

In a cross sectional study of 20 women smokers and 20 women nonsmokers, RM Brotman and colleagues showed that smoking was linked to a lower proportion of vaginal lactobacillus species vs nonsmokers. That species has been thought to be part of a protective microbiome, and decline of lactobacillus carriage is linked to bacterial vaginosis. No surgical patients have been studied. (See Brotman, et al., Association between cigarette smoking and the vaginal microbiota: a pilot study, *BMC Infect Dis* 2014; Aug 28; 14: 471).

# Risk Factors Identified Independent of the Bair Hugger Use

In the clinical trial using the Bair Hugger vs no Bair Hugger independent risk factors from multivariate analysis showed the following risk factors – after controlling for the use of the Bair Hugger (See Kurz, et al, Perioperative Normothermia to Reduce the Incidence of Surgical-Wound Infection and Shorten Hispitalization, *N Engl J Med* 1996; 334:1209-15).

<u>Risk Factors</u>	<u>OR</u>	<u>Cləs</u>
Tobacco Use (yes vs no)	10.5	3.2 – 34.1
NNIS Score (per unit increase)	2.5	1.2 – 5.3
Age (per decade)	1.6	1.0 – 2.4

In this study smoking, higher NNIS score and age were risk factors for infection independent of the use of the Bair Hugger. If a patient was a smoker, whether or not she used the Bair Hugger, she would have an odds ratio of 10.5 for infection. If the baseline rate was 1% or 1.5% or 2.0%, that person's risk for a SSI would be predicted to be 10.5%, ~16% or 21%, respectively, independent of NNIS score or age.

# <u>Infections with Prostheses in Bones and Joints - Review</u>

Hematoma as an independent risk factor for prosthetic joint infection. A case control study Saleh K et al. J Orthoped Res 2002; 20: 506 – 15.

Study of THA (N=1181) and TKA (N=1124): 33 Infected Cases and 64 Controls. Multivariate Logistic Regression.

<u>Variable</u>	OR	Cl <sub>95</sub>
Hematoma	11.78	3.02 – 46.03
Days of Drainage	1.32	1.08 – 1.62

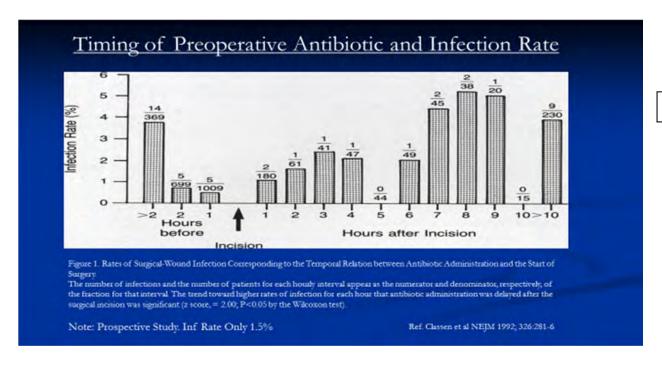
Definition of hematoma: subcutaneous palpable collection of fluid or mass

- These data alone suggest that a patient with a hematoma increased his or her risk of infection ~12 fold greater than patients without a hematoma.
- In this model the presence of a hematoma would predict a risk of infection of ~ 12%, 18% and 24%, respectively, if the baseline rate of infection is 1% or 1.5% or 2%, respectively. If one Thrombopophylaxis agent was more likely after THA or TKA to cause bleeding into a wound (hematoma), one would not be surprised to see an accompanying elevated SSI risk.

<u>Surgical volume at an institution has been linked to risk of SSIs. Specifically, low volume hospitals have higher rates of SSIs, than high volume hospitals.</u> In a recent report of Medicare patients undergoing THR from 2005-2011 with an annual number of replacements of 21,000/year, the relationship held:

THR Procedures/yr.	<u>AOR (Cl<sub>95</sub>)</u>
1 – 24	1.58 (1.47 – 1.09)
25 – 49	1.34 (1.26 – 1.44)
50 – 99	1.22 - (1.15 - 1.30)
100 – 199	1.14 (1.07 – 1.21)
200 +	Ref

M. Calderwood et al Med Care 2017; 55: 179-85. These data suggest that patients' risk of a PJI increase as the number performed at a hospital declines. Best results were in institutions that did at least 200 per year.



The timing of perioperative antibiotics has been shown to be important in preventing SSIs in general, with best results if given within 2 hours of the incision. (Figure 8) (Classen, et al., The Timing of Prophylactic Administration of Antibiotics and the Risk of Surgical-

The key point is that getting the perioperative antibiotic timing right will reduce SSIs.

Wound Infection, N Engl J Med 1992;326:281-6)

More recently most hospitals have targeted the 60 minutes before incision for receipt of perioperative antibiotics, and many in Europe target 30 minutes prior to incision

The data from Van Kastern et al suggest best results (lowest SSI) after THA might be 30 minutes prior to incision. (Clin Infect Dis 2007; 44: 921-7). (Figure 9)

Figure 8

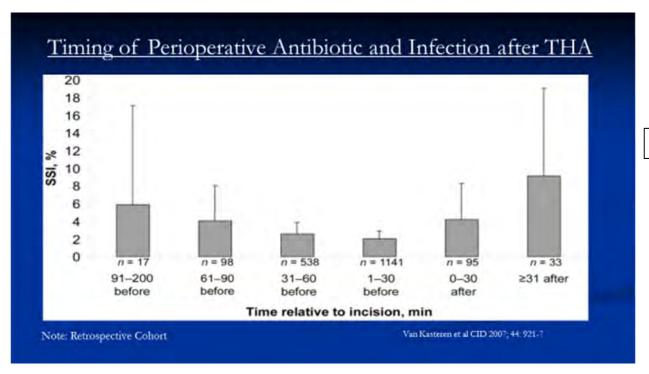


Figure 9

## Risk factors for Prosthetic Joint Infections: Case-Control Study

Berbari, et al, Clin Inf Dis 1998; 27: 1247-54

Mayo Clinic Study by E Berbari: 462 cases matched to 462 controls

Risk Factor	Independent OR	<u>Cl<sub>95</sub></u>
NNIS Score 1	1.7	1.2 - 2.3
2	3.9	2-7.5
History of same Joint Anthoplasty previously	2	1 – 4.3
Malignancy- not involving the index joint	3.1	1.3 – 7.2
	35.9	8.3 – 154.6
SSI not involving Prosthesis		

 With a patient's history of a prior hip joint replacement at the same site, this model suggests a doubling of the risk for infection – without considering other known risk factors such as obesity or diabetes.

Controls were matched for age, sex, prosthesis location, and date of implantation. In addition, the length of follow-up for each control had to be greater than or equal to the interval from implantation to infection in the case.

The odds ratios were derived from a conditional logistic regression model. Thus, the odds ratios are after a multivariate analysis.

A recent study by Bedair and colleagues examined the question, if a history of treated prosthetic joint infection increases the risk of subsequent PJI at a different joint. A retrospective matched cohort study included 90 cases successfully treated for a second primary THA or TKA. Controls were matched for age, sex, diabetic status, BMI, ASA score institution, joint of interest and years of surgery ( $\pm$  2). 10 of 90 controls vs 0 of 90 cases developed a PJI. The RR was 21 and CI<sup>95</sup> 1.25 – 353.08, p=0.035.

H. Bedair et al., A history of treated Periprosthetic Joint Infection Increases the Risk of Subsequent Different Site Infection. (*Clin Orthop Res* 2015; 473:2300-4).

### Summary

A number of risk factors have been identified that address the question of why some patients get a SSI after the operation and others do not. Among those are preoperative diagnoses such as obesity, diabetes, nasal carriage of *S. aureus*, COPD, elevated preoperative or postoperative blood sugar level, smoking, and excess alcohol intake; and a post-operative hematoma. Process – related risk factors relate to surgeon and institution volume (number of THA and TKA performed per year), timing of perioperative antibiotics and preoperative skin preps. Some models include the presence of several risk factors, and the odds ratio of each patient can be added to get a summary odds ratio and multiply that number by the expected base line infection rate.

Note – Independent risk factors identify those patients having surgery who are at higher risk for a SSI than patients without such risk factors. It is likely that they alter the microbiome. Many surgeons try to control these by asking obese patients to lose weight before surgery, by asking diabetics to control their blood sugar before surgery, and ask smokers to stop smoking before surgery.

Though the science of the microbiome is young, a number of studies have shown changes in microbiome density and composition with the comorbidities listed above as risk factors. It should be emphasized that the presence of nasal carriage of *S. aureus* predicts a 2-3 fold increase in SSIs due to that organism. We know that obesity and diabetes mellitus both influence the microbiome by increasing the patients' prevalence of *S. aureus* carriage. Older patients have a higher carriage of Gram negative rods in their oral cavity, a possible source for SSIs. Some patients carry MRSA in the throat only, a possible source for SSIs and /or a marker of its presence on other parts of the body.

So far, the current data show remarkable safety of FAW including the Bair Hugger and no harm to patients. Current data make a compelling argument for the safety of the Bair Hugger. It is not a risk factor for infection. An unfortunate risk for patients undergoing arthroplasties is a prosthetic joint infection with an organism recognized to be a component of the normal microbiome. Progressive control of the microbiome has had a large impact on reducing SSIs. The currently uncontrolled residual risk of infection can usually be explained by risk factors listed above.

It is important to point out the multifactorial components of infection. Bacteria are a necessary but not sufficient cause. Risk factors address the components that increase risk for some patients. So if no bacterium and no risk factor is sufficient to cause an infection, all are in part risk factors that combine to cause an infection in some patients. If the question is what caused the infection in Mr. Jones, one could point to his organism recovered, his diabetes and obesity and say that all contributed, all caused the infection.

Risk factors thus play a role in SSIs by altering or increasing the bacterial burden in the microbiome and/or possibly by reducing the host's ability to resist her own microbiome or the bacteria from exogenous sources.

# VII. Plaintiff's Critique of the Bair Hugger

a. Background – Routes of bacterial transmission from reservoir to operative site

The arguments have been made above for the key reservoir of bacteria implicated in clean surgery SSIs being the patients' microbiome – her own skin and mucous membrane flora.

The next question is how the organisms of the microbiome reach the operative site in most cases. Some possibilities include transient bloodstream infections of oral flora (including *S. aureus*) after intubation. A second possibility is the transmission of elements of the microbiome to the air in the operating room. A third possibility is that in most cases the offending organism is there at the operative site at the time of incision and causes infection directly.

In terms of nasal colonization with *S. aureus,* its presence may imply colonization elsewhere on the body, not just in the nares.

A clinical trial of the efficacy of mupirocin for clearing nasal carriage of *S. aureus* also examined hand carriage in the same people. Stable carriers of *S. aureus* were randomized for 5 days of intranasal mupirocin twice daily or placebo. At 3 months, 71% of subjects receiving mupirocin group remained free of nasal *S. aureus* vs 18% of controls. 30% of the mupirocin group and 50% of controls had *S. aureus* on their hands before initiating therapy. On day 3 of therapy, elimination of carriage was seen in 8 of 10 carriers on the hands of those receiving mupirocin, but only 3 of 16 were eliminated among those receiving placebo. The same fingerprint was noted in the nose and hands was noted in 97% of tests. Thus, a large proportion of nasal carriers have the same organism on the hands and elimination of nasal carriage was associated with elimination on the hands.

In terms of the transient bloodstream pathway, 3 - 29% of patients after intubation develop a bloodstream infection, and organisms could attach to the operative site at that time. Current data suggest the possibility but only a minority of infections seems likely in the face of current data.

In terms of the airborne route of transmissions, the arguments against this would be the finding of worse outcomes after the use of laminar airflow systems are in place – four large retrospective cohorts noted above and a recent critical review and meta-analysis. The studies in neurosurgery patients showing a decrease in SSIs with more main door traffic adds to the growing body of evidence against airborne transmission of the

microbiome. A recent contradictory study using an air shield over the operative site by Darouiche and colleagues – suggested this pathway, although <u>no bacterial cultures of air and wounds were studied to show a true casual pathway.</u> Importantly, a linked question is – if the airborne route of transmission occurs in a minority of cases, does the Bair Hugger increase the risk? In recent clinical trial in which the Hot Dog vs the Bair Hugger were evaluated, warming by either machine did not increase particle bacterial counts in the air in the operating room, suggesting no contribution by the Bair Hugger to risk.

A third possibility is that the organisms of the skin are currently not controlled maximally by skin preps or perioperative antibiotics, and the microbiome is already present at the operative site, causing infections in high risk patients. The data on the high risk of *P. acnes* after shoulder surgery and supportive data on posterior spinal repair surgery would strongly support this idea. The sternal wound contamination studies showing the skin over the sternum as the source of MRSE in CABG surgery further corroborates this concept. The point is that the organism causing contamination and infection of the wound are present at the time of the incision.

The 1963 study by Burke et al – well prior to the use of the Bair Hugger showed strains of *S. aureus* in the wound that matched those in the patients' skin, nose or throat, just prior to closing. These data also are consistent with the concept that the organisms causing infection after surgery are already present in the wound site and unrelated to the use of forced air warmers. These data are consistent with more recent data examining a marker organism, *P. Acnes*, in shoulder surgery (Joint replacement and rotator cuff repair) and posterior spine surgery. This species is commonly implicated in SSIs after the above procedures. Finding them before and immediately after skin preps and after incision and at the end of surgery is compatible with the idea that they are already in the wound at the time of the incision.

b. Particles, air bubbles, filter efficiency and cultures of the Bair Hugger apparatus.

Eight studies have been cited by the plaintiffs relating to the examination of air particles, air bubbles, filter efficiency of the Bair Hugger and cultures of the Bair Hugger. In these experimental studies which were hypothesis – generation studies, no infection rates were measured, and no link of infection to the Bair Hugger was shown.

Some studies showed increased numbers of bubbles and particles with the use of the Bair Hugger vs Hot Dog; some showed reduced filter efficiency, and some showed that the inside of the Bair Hugger apparatus had bacterial contamination. No study has shown bacterial contamination in the air from the blanket when the apparatus is in place as it is properly used for surgery. A brief summary of the studies follows:

## <u>Particles air bubbles, filter efficiency, cultures of Bair Hugger Apparatus</u>

- Albrecht 2009 -25 FAW using laser particle counts: 24% found to emit airborne particles. Microorganisms in 94% of internal surfaces; 34% filters had "abnormal" filtration
- Albrecht 2011 5 new and 5 used intake filters of Bair Hugger
   Filter efficiency 61% 94% using sodium chloride aerosol
   92% microbes in air path
   58% generating airborne particles
- Reed 2013 Intake filter was 64% efficient; swabs-100% FAW had bacteria. Hose end showed particles in 96%
- Legg 2012 FAW caused increased temperature 1.1° C vs 0.4°C for the Hot Dog; and particles (1038 vs 273) over surgical site
   Volunteer patient in simulated OR with no OR "nurses"
- Legg 2013 Simulated TKA in theatre. Buoyant helium bubbles counted: Increased particle counts and increased convection currents noted
- Dasari 2012 Draped manikin in LAF room. FAW increased temp vs Hot Dog by 2.7° C and 3.6° vs resistive blanket
- Belani 2013 FAW vs Hot Dog with manikin in ortho OR. Increased neutrally buoyant bubbles with FAW
- McGovern 2011 Increased bubble counts over surgical site greater with FAW than with Hot Dog and air from floor mobilized

In <u>Mr. Albrecht's deposition</u>, he clarifies his many studies, stating that the <u>airborne particles counted do not reflect bacterial counts</u> (p.65-66); that particles counted out of the Bair Hugger were noted, but not much in the way of bacteria was noted (p 73); that filtration efficiency was based on particle counts coming and leaving but not bacterial counts (p. 103); that in the 3 Minnesota hospitals he and his colleagues found particle emissions with varying efficiency of the Bair Hugger filter and internal surface contamination, but "none looked at the actual bacteria in the airstream." (p.103-104). The table below summarizes the emissions from the unpublished Bair Hugger studies in Minnesota (p. 110):

Institution St. Cloud Alexandria	Tested No. Units  3 3	No. CFU Cultured  0/3  6 measurements:  2 had 1 CFU  4 had 0 CFU
Regina	3	9 <u>Measurements:</u> One unit had all zeros
		Another unit had 1 cfu and 0s in the others Another unit - had 1 cfu on one and two zeros

Mr. Albrecht – in response to why these data were not included in the published studies - says that since the ORs studied were at rest, he and his colleagues were unsure how to interpret the results (p. 113). Two additional studies were also conducted by Mr. Albrecht that were not published. They also showed that no bacteria were noted when the Bair Hugger was in use. Thus, five negative studies were not published (Augustine deposition, pp 53-75 re: Exhibit 8). The question was: "so does this comport with your recollection back in 2007, 2008 time frame, internally Augustine Biomedical + Design tried five different times to capture viable bacteria coming out of the airstream from the Bair Hugger hose, but – and using three different capture techniques, but never captured any meaningful numbers of bacteria?"

Answer: "That's what these reports say" (p. 68).

In Mr. Legg's deposition he added new information related to his particle studies. He and his colleagues attempted to measure bacteria using agar plates in the simulated operating room experiment (p. 53). Specifically, they used agar plates "placed where we were concerned, which was on the surgical site" (p. 54). When asked how many bacteria grew, he responded "less than one" colony forming unit (p. 55), during the time when the Bair Hugger was used. When asked why this information was not reported with the report about the particles, he said that "it didn't really add anything" (p. 5). He later clarified that the standard – set for the orthopedic theatre – is also less than one colony forming unit. When asked to respond to the finding that despite increased particles being mobilized at the operative site, the particles were not adding to the bacterial load, Mr. Legg agreed (p. 58).

In his deposition, Dr. Paul McGovern provided raw data on a number of studies in which attempted to count bacteria or particles in the air of an operating room (volume 8 pp 3539 – 3717) at Wansbeck General Hospital. In 4 experiments the introduction of a surgeon raised the particle count in the zone of the operative field, most marked when the surgeon touched the disinfected skin within the field. "However, there is no suggestion from these results that turning on the Bair Hugger makes any difference to the operative field particle counts" (p. 3547).

Minimal numbers of bacteria were isolated from settle plates opened for 4 hours. Counts of microorganism from settle plates showed mostly zeros (p. 3548). Air samples during the operating procedures also showed zero cfu when the Bair Hugger was turned on (p. 3550). Wound swabbing and sampling Bair Hugger showed "only very low numbers of skin bacteria" (p. 3552). He concluded (p. 3574) that "Use of forced air warming devices does not increase the bacterial count in the vicinity of the operative field."

These data on bacterial counts were never published, and Dr. McGovern and his colleagues chose to pursue studies of particles and had the selective data from the latter experiments published. Asked why the different approaches, Dr. McGovern said that an abstract had been rejected (deposition p. 67), that negative findings are difficult to get published (deposition p.68), and that no statistical significance of the data was taken into account (deposition p. 71).

One is forced to conclude that a large volume of data had shown that the use of the Bair Hugger has no influence on bacterial counts in the operating room. The authors of these studies failed to publish the data and instead appeared to focus on air currents and particles as implied surrogate markers of bacteria counts.

# c. The McGovern Study – The Clinical Arm

The McGovern study (*J Bone Joint Surgery* (BR) 2011; 93: 1537-44) is cited by the plaintiffs as a clinical evaluation of the comparison of the Bair Hugger vs the Hot Dog Warming devices with the end point of the rate of prosthetic joint infections. The abstract states that there was an "elevated infection odds ratio of 3.8 (p=0.024)" favoring the use of the Hot Dog.

These were a number of fatal flows in study design and analysis, and the authors themselves correctly state that "this study does not establish a casual basis for this association."

The study was a "before and after" observation comparing surgical site infection rates between the Bair Hugger and Hot Dog systems. The method section offers no hypothesis, no study design details to offer a rationale for the study periods for the two warming systems. The authors acknowledge the failure to control for independent risk factors: blood transfusion,

obesity, incontinence and fitness for surgery. They also ignored multiple other factors known to affect infection risk.

Other shortcomings include the following.

- Intraoperative temperatures were not measured, thus a key risk factor was not examined.
- The surveillance systems case finding methods were not mentioned, and there are no data
  on validity of surveillance or in completeness of case finding after patients were discharged.
  This is especially important in non-contemporaneous comparisons, where observation bias can
  be introduced.
- There were no data to show that perioperative antibiotics were appropriately timed relative to the incision in the two time periods.
- With the large number of *S aureus* isolates recovered during the forced air period (N=11) vs none (N=0) for the conductive fabric warming, one needs to know what workup was done to rule out an epidemic caused by a single clone. No fingerprinting of isolates was noted.
- One of the coauthors, Mr. Albrecht, worked for the company competing with the Bair Hugger and has a substantial conflict of interest.

An important point with respect to controlling for such confounding factors is that the odds ratio reported is a univariate funding, not corrected for the known confounders of infection. It was not a multivariate analysis but instead a crude examination of incomplete data.

Even more serious flaws involve bias (systematic errors) in the study, which – unlike confounders – cannot be corrected. Bias in a study is a fatal flaw. There were multiple biases in the study, each one of which favored the Hot Dog:

- 1) Rivaroxaban (Xarelto) anticlotting drug linked to wound hematomas was used for part of the Bair Hugger period but <u>never during the Hot Dog use period</u>; (See Professor Holford's analysis).
- 2) Gentamicin perioperative prophylaxis alone was used for much of the Bair Hugger period yet two antibiotics gentamicin plus Teicoplanin were used always during the Hot Dog period. Gentamicin would be expected to have no or little activity for MRSA and for coagulase negative staphylococci. Dr. Reed and co-authors from the Northumbria Healthcare NHS Foundation Trust wrote that "gentamicin 4.5 mg/kg alone should not be used as prophylaxis for primary joint arthroplasty as it...increases the risk of other postoperative complications" increase in pneumonia..acute renal failure requiring HDU admission..and rate of return to theatre." The authors noted trends of increasing resistance to gentamicin among the coagulase negative staphylococci. In conclusion, they say "we have changed our prophylaxis to low dose gentamicin (3mg/kg) combined with Teicoplanin 400 mg given once."

Sprowson A et al. Changing antibiotic prophylaxis for primary joint arthroplasty affects postoperative complication rates and bacterial spectrum. *The Surgeon* 2013; II: 20 – 24.

It should be noted that the study extended over a 2-1/2 years period during which time 20 months were exclusively for the Bair Hugger followed by an optional warmer for 3 months of transition, then followed by a 7 months exclusive period of use of the Hot Dog. This is a very strange study design, suggesting a late decision to examine data retrospectively.

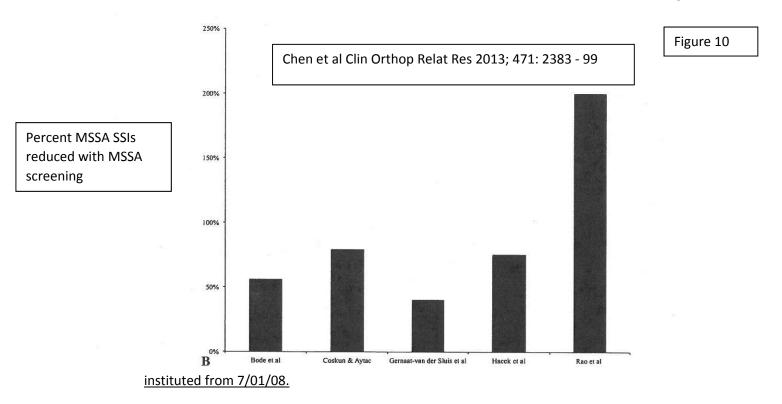
3) In the Bair Hugger period there was no MSSA screening from 7/01/08 through 12/31/10 (Dr. Reed's deposition page 110), during which time there were 9 pure plus 1 mixed *S. aureus* infections. There were no MSSA in the Hot Dog study period.

MSSA screening began in January 2010 and was continued thereafter, including the entire Hot Dog period.

A systematic review of *S. aureus* screening and decolonization in orthopedic surgery involving 19 studies showed a reduction of SSIs or wound complications in all 19 (Chen et al Clin Orthop Rel Res 2013; 471: 2583 – 99). Nine of the studies were prospective and 10 were retrospective. Most studies evaluated patients undergoing elective joint replacements.

The reduction of overall SSIs ranged from 13% to 200%; the reductions of MRSA SSIs ranged from 29% to 149%; and the reduction of *S. aureus (MSSA)* SSIs ranged from 40% to 200%. Four of the five studies evaluating *MSSA SSIs showed*  $\geq$  50% reduction of *S. aureus* SSIs.

Based on the studies above, it is reasonable to suggest that in Bair Hugger period there could have been on the order of a 50% reduction of MSSA SSI, from 10 to 5, had MSSA screening been



During the Bair Hugger period, there was a THA infection related to *Pasteurella Multocida*. The procedure date was 12/09/08. This was surely community acquired and had nothing to do with what occurred in the operating room. A review of the literature would support dropping this case from the Bair Hugger health care associated infections. Sixteen cases of TKA and two THA sepsis have been reported in the literature almost always caused by a dog or cat bite, scratch or tick. These are most commonly linked to a bacteremia.

## Hydeman J et al

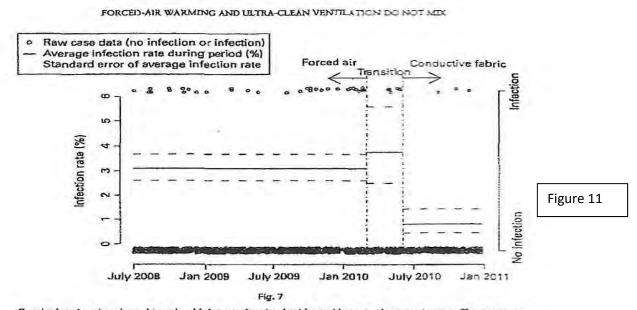
Internat J Infect Dis

Acute infection of a total knee arthroplasty caused by Pasteurella Multocida, a case report and a comprehensive review of the literature in the last 10 years.

Before examining methodological study issues, one should drop the case of Pasteurella and correct the misclassification (once fewer in the Bair Hugger period and one more in the Hot Dog period) as noted in discovery.

4) <u>A switch to chlorhexidine – alcohol skin prep</u> was made on October 1, 2010, so <u>only</u> <u>during the Hot Dog period</u>. Since it has been clearly shown that this prep leads to a 40% reduction in all SSIs, a serious bias is present. A 40% incremental reduction in SSIs during the Bair Hugger period would have had an enormous decrease in the infection rate.

In the manuscript that was published, the authors had an illustration of infection rates. The impression was a flat rate over the first 20 months (Figure 11).



Graph showing time-based trends of joint sepsis rates for hip and knee replacement cases. The outcome of each individual case is plotted on the right-hand axis (data are jittered to avoid overprinting). The infection rates for each period (forced-eir, transition or conductive fabric) are plotted on the left-hand axis. Standard error of the mean was estimated using logistic regression.

A confusing finding is the more explicit but unpublished information on surgical infection rates over time, showing a <u>progressive decline in rates over the first 8-12 months of the Bair Hugger period</u> (Figure 12) followed by a later rise. If the Bair Hugger truly caused infection rates to rise, one would not expect a continue trend downwards as they were in use. The inconsistency is unexplained and suggests something else happened late in the Bair Hugger period to increase rates.

Further confusion related to the fall and later rise of rates in the Bair Hugger period relates to the fact that the authors had data for 9 months prior to the official study beginning. With the use of the Bair Hugger for these months, the infection rate was 0.68%, very low.

In contrast to the curve above (Figure 11) that was published – showing a flat line for infection rates during the Bair Hugger period, the true curve (Figure 12), showed an impressive decline with the Bair Hugger followed by a dramatic rise. One can only conclude that the latter was meant to obscure the raw data. It would have the effect of misleading the reader.

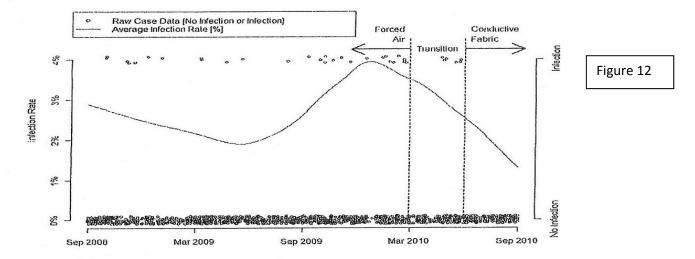
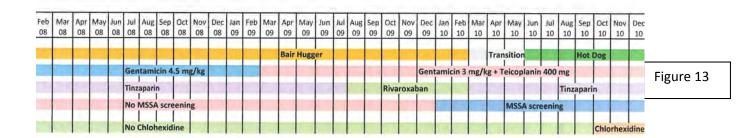


Figure 7: Infection data for n=1290 joint replacement cases with the outcome plotted on the right hand axis (data is jittered to avoid overprinting). A moving average of infection rate was plotted on the left hand axis. The change from forced air to conductive fabric patient warming in the orthopedic theaters is identified along with the transition period where both systems were used.

Given the unusually high rate of infection rate in the Bair Hugger era and the large proportion of *S. aureus* isolates recovered, some analysis by the hospital's infection control team a medical microbiologist or risk management office should have occurred. The microbiologist might have done finger printing of all *S. aureus* isolates to see if a single clone was dominant, indicating a common source problem. A review of OR procedures, perhaps some case control studies and interviews would all have been completed. The absence of such inquiries and analyses suggest a lapse in standard hospital safety.

The figure below shows the study design and highlights the known biases introduced over the 2-1/2 ear period of observation. (Figure 13 provided by Dr. Jonathan Borak)

# McGovern Study Bias/Systematic Errors



Some insight into a key change in standard patient management is provided by Dr. Mike Reed, consultant orthopedic surgeon at Northumbria Healthcare (*November 2011*. *The Clinical Services Journal*. *Infection Control in Orthopedic Surgery*). He stated in the article that he moved away from the traditional aqueous povidone – iodine skin prep to chlorhexidine alcohol. This change occurred in October 2010. That would favor a much lower rate of SSIs during that period late in the study. He also states that the <u>"infection rate doubled when using gentamicin prophylaxis"</u>, the drug used exclusively during the Bair Hugger era. A possible cause for failure, prompting the change, was resistance to gentamicin by MRSA and coagulase negative staphylococci.

Further insights into the study flaws that failed to keep a level playing field were provided by Julie Gillson and Gail Lowden, who summarized the various protocol changes instituted by the Northumbria Healthcare NAS Foundation Trust (site of the McGovern study) which corresponded to reduced orthopedic SSI rates (5% to 0.9%) over time (The Clinical Services Journal. Ochler 2014. pp 71-74. See <a href="http://www.clinicalservicesjournal">http://www.clinicalservicesjournal</a>. Com/Handlers/FileHandler. Ashx? FileId = 13230).

Such changes included – in 2008 – the identification of patients readmitted with an SSI; in early 2009, two full time SSI nurses were appointed to improve case finding and initiate "a robust and prospective surveillance; introduction of an SSI bundle in 2009, which included the introduction of octenisan antimicrobial skin washes preoperatively at home for all elective THR /TKR patients; subsequently OR disciplines were instituted limiting the number of people entering the OR area, no use of personal clogs, use of appropriate time of perioperative antibiotics and others. It is likely that hospital personnel became increasingly aware of the special focus on preventing orthopedic implant related infections. As a result, a "Hawthorne effect" would be in play, in which behavior changes occur among people who sense increased attention to their work activities. The Hawthorne effect is a form of confounding which can

improve work outcomes. Since the many protocol changes occurred late in the McGovern study, a Hawthorne effort for reduced infectious during the Hot Dog period would be expected. In the July 2012 issue of the Operating Theatre Journal, on (page 10) "Kimberly – Clark announces winners of inaugural HAI watchdog awards", championing infection prevention in UK hospitals:

"The winner of the category for operating theatre infection prevention initiative was Northumbria Healthcare NHS Foundation Trust which made a pledge to drive down surgical site infections (SSI) in Orthopedic Surgery."

They list the changes as employing two dedicated SSI surveillance nurses an a range of initiative in theatres including "restricting access to the department, screening patients for potential infections before they come into the hospital and improving skin preparation." They do not mention anything about use of the Hot Dog warming system.

In a crude subset analysis to provide insight into the observed effect during the Bair Hugger vs Hot Dog study periods, author and statistician Mr. Albrecht said that when rates of infection were confined to periods when the antibiotics and thromboprophylaxis drugs were the same, there was no significant differences  $\sim$  1% for the Bair Hugger and 1% for the Hot Dog period (Albrecht deposition, pp 197-200).

Furthermore, when the infection rates were compared for the two devices (Bair Hugger vs Hot Dog), the rates were 4.3% for the rivaroxaban period vs 1.2% for the Tinzaparin period – when the antibiotics were held constant. The data illustrate the high risk of infection after rivaroxaban, a thromboprophylaxis drug never used in the Hog Dog period but on in the Bair Hugger period.

The McGovern study should be entirely discounted because of so many failures: it did not correct for numerous cofounders, was laced with several biases, and failed to establish a clear definition of case finding and show any independent validity of case finding methods to their recorded infection rates. The authors acknowledge that a causal relationship cannot be shown with this manuscript.

## VIII. Investigating the Cause of a Cluster of Infections

A valid methodology exists to examine the cause of a cluster or epidemic of infections. When the rates of infection exceed a background threshold, a case control study is performed in which the exposures and experiences of infected cases are compared to appropriately matched uninfected controls. So the first step is to show statistically that the current rate exceeds background rates.

Once a difference in infection rates (baseline vs current) is found in exposures or experiences, statistics are applied to see if the differences are significant. Afterwards microbiological

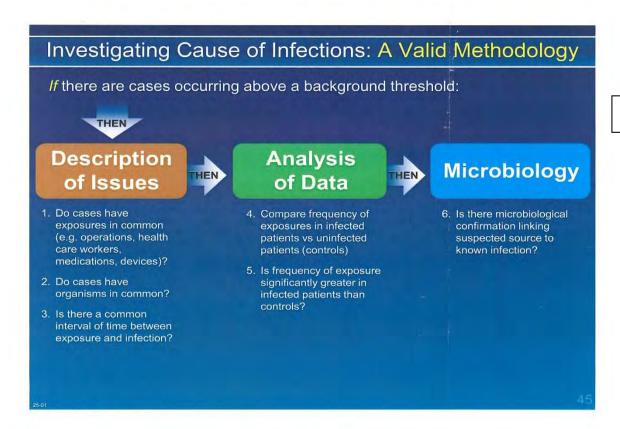


Figure 14

confirmation is sought to show that the exposure or experience was in some way linked to the same organism as encountered by the patient. (Figure 14).

If a single patient acquires an infection, in contrast to a cluster, there are limits to investigating the cause of that infection. Specifically, if the surgical site infection is not part of a cluster, if the bacterium implicated is commonly found on the microbiome, and if the investigation is not close in time to the date of surgery, then there is no significantly valid methodology to identify the source retrospectively. The most likely cause – the patient's own microbiome that was not adequately controlled – cannot be ruled out. The infected patients were most likely "pushed over the line" by their underlying risk factors.

Note that step 1 has never been shown – there are no regional, Statewide or National data to show a link between use of the Bair Hugger and a significant increase in SSIs. National trends corrected for confounders, show the opposite – a reduced rate of SSIs after THR and TKR during the Bair Hugger Era. The organisms implicated in infections are part of the microbiome of surgical patients. Infections afer surgery can often be explained by the underlying contribution of risk factors.

### IX. Summary of the Report

A large number of patients who have undergone either a total knee replacement or total hip replacement have filed suit against 3M after they developed an infection of the prosthesis. The bacterial isolates identified in the many microbiology laboratories have varied, and no single organism with a unique fingerprint was demonstrated for all.

The patients with prosthetic joint infections live in several states in the U.S. and had surgery in many hospitals. Importantly, the plaintiffs have provided no data to show that an outbreak occurred at any hospital, in any state, or widely in the U.S. and traced the statistically elevated SSI rates to the Bair Hugger. Thus, they have not provided the first step in an investigation – show that an epidemic or unique cluster exists.

Those infected have alleged that the cause of their infection related to the use of peri-operative Forced Air Warming device called the Bair Hugger. Their hypothesis is that air currents in the operating room bring floor organisms up near the operative site, where they fall and incite the infection, and eventually lead to elevated infection rates.

The plaintiffs rely heavily on a single retrospective study by McGovern and colleges which purports to show an advantage of the Hot Dog resistance warming device to the forced air warming device – the Bair Hugger. The McGovern study team said in their publication that their data – showing fewer infections with the Hot Dog device - do "not establish a causal basis for this association." This is an appropriate statement, given the many flaws in study design, including a series of issues: Lack of case finding methods and validity, failure to control for numerous confounders, and introduction of several biases favoring the Hot Dog device. There is also the problem of a before – after design that did not allow for concurrent controls during the 2 ½ year study duration. Furthermore, one of the authors works for the competing company and thus has a significant conflict of interest.

In contrast, the Bair Hugger clinical trials utilized concurrent controls. Each study was prospective, with blind assessment of outcome and randomized. The two widely-cited clinical trials show statistically significant benefit for the Bair Hugger in reducing surgical site infections. These clinical trials are also supported by data from a meta-analysis, six cohort studies, an independent review by the ECRI institute, a case control study and U.S. national trends from the Centers for Disease Control and Prevention showing falling rates of infection in the Bair Hugger era after joint replacement. Furthermore, eight microbiological studies show no signal for harm from the Bair Hugger.

Current data suggest ~ 1% risk of infection after a THR or TKR with causative organisms that comprise the normal flora of the skin or nares, the microbiome of the skin or nasopharynx. Control of the microbiome – in the Bair Hugger era - has improved greatly in recent decades

due to the use of perioperative showers, nasal decolonization of *S. aureus*, improved skin antiseptic preps, warming, and others. Yet some patients still become infected. For the most part those infected are different from those not infected by virtue of comorbidities – conditions that increase the risk a priori for a SSI. These include obesity, diabetes mellitus, smoking, carriage of *S. aureus*, excessive alcohol intake and others. Current data support an altered microbiome in these comorbid medical conditions different from the normal microbiome.

The plaintiffs have presented eight manuscripts showing an increased temperature, particles or bubbles with the use of the Bair Hugger vs the Hot Dog, and showing some positive cultures of bacteria in use Bair Hugger devices. None indicate a relationship between Bair Hugger use and any infection. There might be viewed as hypotheses – generating studies, yet all true patient studies and microbiological data support the safety of the Bair Hugger. In the discovery phase of the trial, it has been shown that 7 studies showing safety of the Bair Hugger were not published, were kept secret.

An incontrovertible amount of data from the literature support the patient's own microbiome (flora of skin and nares) as key sources of the bacteria causing SSIs. Studies show that control of the microbiome by improved pre-surgical skin preps and use of effective nasal decolonization substantially reduce the SSI rate.

A debated question is how organisms get to the wound site from their microbiome reservoir on the skin and nares if the microbiome is not controlled. Possibilities include transient bacteremia after intubation; direct movement during surgery of the flora of the skin by instrumentation or hand carriage of the surgical team; some movement of the flora from the skin or nares to the air. Nasal carriage however is a marker of carriage elsewhere on the body. Organisms found in the nares are often found in the groin, perineum and axilla. The plaintiffs argue that the airborne route is key, citing the original studies by Lidwell and others. That study was flawed by not taking into account the use of antibiotics which had a higher effect (odds ratio) than the use of laminar air flow. Many hospitals introduced laminar air flow into operative suites after the Lidwell studies, however. The hypothesis is that SSI rates would fall and the reason they would fall was that the airborne bacterial load was reduced. However, four very large retrospective cohorts involving over 300,000 patients showed higher rates with LAF. A 2017 publication of a meta-analysis shows no benefit of LAF.

A recent study using a device to create a barrier to airborne bacteria did show a correlation but no cause effect could be established. So a question arises, does the Bair Huger influence the numbers of bacteria in the air of the operating room. A recent randomized study of air bacterial counts with the Bair Hugger vs the Hot Dog showed no influence of either warmer on the airborne number of bacteria.

I disagree strongly with the testimony of Dr. Jarvis, expert witness for the plaintiffs. In his deposition he correctly outlines the approach to an outbreak of infections (p.3) and concludes from his experience: "Our team's outbreak investigations established that culture surveys of personnel or the environment without a prior epidemiological investigation can be misdirected, expensive, or a waste of laboratory resources and therefore should not be performed before comparative epidemiological studies are completed. Our team's approach of integrating epidemiology and microbiology remains vital to conducting a successful outbreak investigation. The combined epidemiological – laboratory investigation approach has become the "gold standard" methodology..."

He then cites the correct epidemiological approach used in the Heater-Cooler outbreak due to *Mycobacterium chimaera*. Yet he ignores the fact that no such gold standard approach has been conducted to show that any outbreak exists with use of the Bair Hugger device: no increase in rates of SSI have been demonstrated as step 1 of a careful epidemiological investigation.

The plaintiffs have cited the clinical arm of the McGovern study as critical to their arguments. Yet Dr. Jarvis offers a superficial, single sentence mention (p. 12) that is uncritical and incomplete.

While focusing on pre-clinical studies of the Bair Hugger, Dr. Jarvis ignores a vast body of clinical studies showing the safety of the Bair Hugger: The second clinical trial (Melling), historical cohort studies, the case control study and national data infection rates in the era of the Bair Hugger.

His statement (p. 5) that "exogenous sources account for the majority of SSIs", is unreferenced and ignores the vast number of studies showing just the opposite – most are in fact endogenous.

Dr. Jarvis' deposition is superficial and wanting.

The overwhelming clinical data, national trends data during the Bair Hugger era and microbiological studies attest to the safety and benefits of the Bair Hugger.

I also disagree with Dr. Samet's testimony. His focus on the McGovern study is at face value and as a result is uncritical. His bias is illustrated by the gratuitous statement (p. 11) that concerns about confounding are "typical general claims made by those seeking alternative explanations for an association, and reach back to the strategies employed for decades by the tobacco industry".

Dr. Samet takes the univariate odds ratio of 3.8 in a flawed study at face value, stating that its size makes "confounding...unlikely... and not supported." He ignores the bias related to MSSA screening during the Hot Dog period and ignores the high numbers of *S. aureus* recovered in the Bair Hugger era and none found in the Hot Dog era after the initiating of MSSA screening in January 2010.

He fails to understand the bacteriological implication of a perioperative prophylaxis with gentamicin alone (Bair Hugger period) vs gentamicin plus teicoplasin. Dr. Samet did not address the bias in the use of no chlorohexidine alcohol skin prep during the Bair Hugger period vs the Hot Dog period during which time it was introduced. The many changes that occurred during the study essentially the SSI bundle – were also ignored by Dr. Samet, including case finding, preoperative skin cleansing, OR protocols, frequent team meetings and others.

Dr. Samet's deposition is uncritical and wanting.

Of note, neither Dr. Jarvis nor Dr. Samet mentioned the five unpublished studies by Albrecht and others showing no bacteria observed in tests performed with the Bair Hugger device.

The overwhelming clinical data, national trends data during the Bair Hugger era and microbiological studies attest to the safety and benefits of the Bair Hugger.

To a reasonable degree of medical certainty, my opinion is that the Bair Hugger is not generally capable of causing a prosthetic joint infection. There is no valid scientific support for such a claim of any harm. Based on several lines of evidence, perioperative warming including warming with the Bair Hugger is a widely accepted infection control strategy.

Richard P. Wenzel, MD, MSc.

Robac Palm Qui

Date: 2 June 2017

### Appendix:

### **Notes on Analogies of the Colonized Heater-Cooler Units**

The plaintiffs allege that the Bair Hugger was analogous to the heater – cooler units, which have been linked to serious infections in patients after open heart surgery. The heater – cooler units used in cardiac surgery have been found to be contaminated with a single, very unusual organism – never before implicated in SSIs – *Mycobacterium chimaera*. This organism was not part of the normal patient microbiome and has been shown to have arrived on the apparatus from the manufacturer. An outbreak of *M. chimaera* infections has been demonstrated. No data support an outbreak of infections after use of the Bair Hugger. The species implicated are varied, and they are part of the microbiome of patients.

*M. chimera* is a slow-growing bacterium, a "distant cousin" of the organism causing tuberculosis. The infections typically are recognized many months after surgery. In part because mycobacteria divide slowly ~ every 24 hours. The reservoir (habitat) for *M. chimaera* is water. The organism was contaminated at the site of manufacturing before widespread distribution. The air from the HCU blows directly into the air in the operating room. The air in the Bair Hugger blows into the blanket and no one has shown that bacteria exit the blanket of the Bair Hugger.

The implicated heater –cooler units have a fan to cool the apparatus. The heater-cooler units have a large, open water tank, where the organism can be found. The fan directly blows onto the path of the surgical site, and *M. chimera* has been found in the air stream – the same species documented with a single fingerprint – as has been found on the machine and in patients. No airborne organism at the time of surgery with the Bair Hugger use has been linked to an organism found in the wound at surgery or subsequently in an infection, and recovered from the Bair Hugger.

Heater-cooler unit-related *M. chimaera* infections are totally different from those after use of Bair Hugger, which in fact has been shown to reduce infection rates.

Saxh et al. Prolonged outbreak of mycobacterium chimaera infection after open chest heart *Clin Infect Dis* 2015; 61:65-75. The author showed the same genus and species and fingerprint specimens from the water circuits of the heater, cooler unit and air samples when the device was in use, cardiac tissue specimens and blood cultures. This organism had previously never been known to cause post cardiac surgery infections, so a new epidemic was established.

Genetic analysis confirmed that many of the cases originated from source contamination at the Sorin 3T manufacturing plant. A spread within the hospital – a nosocomial link –was not established. Acherman Y et al. Prosthetic value endocarditis and bloodstream infection due to *mycobacteria chimera J Clin Micro* 2013; 51: 1769 – 73. Haller S et al. Contamination during production of heater – cooler units by mycobacterium chimera potential cause for invasive cardiovascular infections: results of an outbreak investigation in Germany. April 201 to February 2016. *Eurosurveillance* 2016:21.

### **Notes on Infecting Dose**

For ethical reasons there are no studies showing the range of infecting doses of organisms that could cause an SSI after a joint replacement. For insight, the best data would come from animal studies of joint replacement – related infections.

Such models have been designed to create a reliable infection in a high proportion of animals to provide a reliable model of infections for study.

The models were not designed to identify the range of the infectious dose, but data from such animal models have been used to estimate the infecting dose.

Below are examples of some of the animal models used and the dose of organisms needed to cause infection. In each of these examples, *S. aureus* was the organism studied:

### Notes on Animal Models - PJI-

Model/ref	No. Animals	<u>Organism</u>	Route of <u>Infection</u>	Inf <u>Dose</u>
				<u>(cfu)</u>
<ul> <li>English Short</li> </ul>	125	S. aureus	IV	
– Hair Rabbits				10 <sup>5</sup>
Hip Durgery				
			Medullary	
			Inoculation with	
			prosthesis	<50
			Without prosthesis	10 <sup>4</sup>

Southwood Br J bone Joint Sgy 1985; 67-B. 229-31

New Zealand	22	MRSA	Inject	10 <sup>2</sup> ,10 <sup>3</sup> , 10 <sup>4</sup>
			into knee	
White Rabbits				
				40%
Knee Surgery				infection
				depending
Screw with				on dose; no
polyethylene				change after
washer inserted				10 <sup>3</sup>

Craig J Orthopedic Res 2005; 23:1100-1104

Model/ref	No. Animals	<u>Organism</u>	% Route Infection	Inf <u>Dose</u>
<ul> <li>New Zealand</li> </ul>	10	MRSA	Injection into knee	10 <sup>5</sup> - 10 <sup>8</sup>
				cfu
White Rabbits				

Note: "With 5X10<sup>4</sup> and 5X10<sup>5</sup> cfu, only a few animals developed infection."

Belmatoug

J Infect Dis 1996; 174:414-7

12 week old mice	Bioluminescent S. aureus	5x10 <sup>3</sup> or 5x10 <sup>4</sup> simulated acute
	injected into knee	infection; 5x10 <sup>2</sup> developed low
Orthopedic k-wire placed into		grade infection, like a chronic
femur		infection

Bernthal Note: Some animals infected with only 500 cfus

Plos One 2010; 5: e 12580.doi:10.1371;

### Journal.pone.0012580

<u>Model</u>	No. Animals	<u>Organisms</u>	<u>Outcome</u>
Sheep	10 5 -biofilm Infected 5 - No bacteria on film	MRSA	100% biofilm infected sheep became infected vs none of controls ~ 10 cfu/membrane

Williams DL

J Biomed Materials

Res 2010; 100: 1888-1900

**Note:** 1<sup>st</sup> model using biofilm organisms and not bacteria in solutions. The Goal was to simulate biofilm infection from a natural ecosystem contaminating a wound site after an open facture. MRSA, grown on a biofilm, was placed onto the tibia that had been stripped of periosteum and later covered with a stainless steel simulated fracture fixation plate.

Thus, the inherent flaws of animal models in predicting infectious doses in patients include the following:

- 1) No models use perioperative antibiotic prophylaxis, days of skin cleansing with antiseptic soap prior to surgery or use of topical nasal antibiotics to reduce the bioburden of the microbiome prior to surgery.
- 2) Almost all studies use virulent organisms, primarily *S. aureus* and not the relatively a virulent organism such as coagulase negative staphylococcus or Gram negative rods. The infecting dose with less virulent organisms is likely to be greater than that with *S. aureus*.
- 3) The infecting methods in animal models include injecting bacteria directly into the prosthetic device or injecting a dose of bacteria directly into the bloodstream. Whereas the latter may simulate a perioperative bacteremia, the former does not happen in human surgery. Furthermore, no model has examined the airborne mode of infection.

It is generally thought that with a foreign body (joint prosthesis), the infecting dose of bacteria is less than that for surgery in which no foreign device is placed. The exact infecting dose range to infect 10% or 50% or more than 50% is unknown.

### <u>Addendum</u>

- My CV and publications are attached as Exhibit A
- Materials used to inform my statements are listed in the body of my report. Others are attached as Exhibit B.
- My compensation is \$600 per hour work and \$700 per hour of testimony.
- I have not testified as an expert in the last four years.

# RICHARD PUTNAM WENZEL CURRICULUM VITAE

BIRTHPLACE Philadelphia, Pennsylvania

DEGREES BS Haverford College, Haverford, Pennsylvania - 1957-61

MD Jefferson Medical College (Thomas Jefferson University) Philadelphia,

Pennsylvania - 1961-65

MSc University of London, London School of Hygiene and Tropical Medicine

(Epidemiology) London, England - 1985-86

	(Epider	niology) London, England -	1985-86
SUMMARY OF CAREER	<b>Date</b> 1965-66	<b>Appointments</b> Intern	Institution Philadelphia General Hospital Philadelphia, Pennsylvania
	1966-68	Residency, Internal Medicine	University of Maryland Hospital, Baltimore, Maryland
	1968-69	Fellowship, Infectious Diseases	University of Maryland Hospital, Baltimore, Maryland
		Temporary assignment Dr. Robert Channock's Laboratory	National Institute of Allergy and Infectious Diseases National Institutes of Health Bethesda, Maryland
	1969-70	Chief Resident, Internal Medicine	University of Maryland Hospital, Baltimore, Maryland
		Assistant in Medicine	University of Maryland Medical School, Baltimore, Maryland
	1970-72	Lt. Commander, U.S. Navy Reserve Virology Division	Naval Medical Field Research Laboratory Camp Lejeune, North Carolina
	1971-72	Consultant in Infectious Diseases	Department of Medicine U.S. Naval Hospital Camp Lejeune, North Carolina
	1972-86	Hospital Epidemiologist	University of Virginia Medical Center, Charlottesville, Virginia
	1972-76	Assistant Professor of Internal Medicine	University of Virginia School of Medicine Charlottesville, Virginia
	1976-81	Associate Professor of Internal Medicine	University of Virginia School of Medicine Charlottesville, Virginia
	1981-86	Founding Chair The Department of Epidemiology's Master of Science Degree Granting Program	Graduate School of Arts and Sciences, University of Virginia Charlottesville, Virginia

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1981-86	Professor of Internal Medicine	University of Virginia School of Medicine Charlottesville, Virginia
1985-86	Senior International Fellow Fogarty Center National Institutes of Health	Department of Epidemiology London School of Hygiene and Tropical Medicine London, England
1986-95	Professor of Medicine and Preventive Medicine	The University of Iowa College of Medicine Iowa City, Iowa
1986-89	Director, Division of Clinical Epidemiology	The University of Iowa College of Medicine Iowa City, Iowa
1986-95	Director, Hospital Epidemiology and Statewide Epidemiology Services, Infection Control and Quality Assurance	The University of Iowa Hospitals and Clinics Iowa City, Iowa
1989-95	Director, Division of General Medicine, Clinical Epidemiology and Health Services Research	The University of Iowa College of Medicine Iowa City, Iowa
1993-95	Associate Chair Department of Internal Medicine	The University of Iowa College of Medicine Iowa City, Iowa
1995-2009	Professor and Chair Department of Internal Medicine	Virginia Commonwealth University Medical College of Virginia Richmond, Virginia
1997-8	Founder and Director of the Clinical Trials Institute	Virginia Commonwealth University
1997-2	Founder and Director of the VCU Outcomes Research Institute	Virginia Commonwealth University
2003-8	President, MCV Physicians The Practice Plan of the Health System	Virginia Commonwealth University
2005-8	Senior Associate Dean for Clinical Affairs	Virginia Commonwealth University School of Medicine
2010-2013	Professor and Former Chairman Eminent Scholar	Virginia Commonwealth University School of Medicine
2013 -	Professor Emeritus and Former Chairman	Virginia Commonwealth University School of Medicine

Subspecialty, Infectious Disease - 1974 #33226 ACLS Certification 1985, 1997, 1999

MANAGEMENT
EDUCATION

<b>Date</b> 1986	Course Semester (1 hr/week) International Health Care	Institution London School of Hygiene and Tropical Medicine University of London
1993	Health Care Finance	American College of Physician and Managerial Executives
1994	Marketing and Money: The Competitive Considerations	American College of Physician Executives
1994	Techniques of Financial Decision Making	American College of Physicians Executives
1995	The Future Role of Subspecialists in Departments of Internal Medicine	Association of Professors of Medicine
1996	Distribution of the Capitalist Dollar and the Redesign of Medi Academic Health Centers	Association of Professors cine
1996	Market Evolution Continues - Strategies for Effective Change	University Health System Consortium
1996	Biomedical Research in Academic Departments of Internal Medicine	Association of Professors of Medicine
1997	Negotiation	Chester Karass Course
1998	Defining the Role of the Clinical Department Chair	AAMC
1999	Establishing Culture, Solving Problems, Mentoring	Association of Professors of Medicine

### ADMINISTRATIVE ACTIVITIES

### UNIVERSITY OF IOWA - 1986-1995

Associate Chair

Department of Internal Medicine

The main responsibilities are for the development of new programs and review of existing policies. Such issues as development of Primary Care initiatives for Internal Medicine, the articulation of a policy for managing substance abuse in employees, and the review of all committees are recent activities.

### Director

Division of General Medicine, Clinical Epidemiology and Health Services Research

The main responsibilities were traditional activities in an academic medical center with oversight for teaching, research and clinical activities. There were 26 members of the faculty (5 dual appointments) and 11 fellows for 1994-95. There were also five clinical study nurses, two laboratory

technologists, a half-time statistician, two managing editors, several MS and PhD students and several part-time students who work with the Division. The Division Director had oversight of the General Medicine Clinic (Clinic B) through which all medical residents rotate and who are supervised in each session by 2-4 faculty members from the Department of Internal Medicine. Each year the division director organized a two-day Clinical Epidemiology Symposium which has attracted nationally recognized speakers in wide areas of expertise.

The Division Director was PI of the only NIH-supported training grant for Hospital Epidemiology. Recruiting was done on a national level.

#### Director

Hospital Epidemiology and Statewide Epidemiology Services, Infection Control and Quality Assurance

Oversee the Hospitals Epidemiology and QA Program (41 personnel plus part-time employees), the surveillance and analysis systems and outreach investigation. Consultation by phone was provided for all hospitals in the state, and two courses each yeartwo weeks eachwas provided. Our laboratory, shared with the Department of Pathology, performed molecular typing of organisms.

### Director

Preventive Medicine Graduate Course

- 1) Epidemiology of Infections (4 hours), and
- 2) Epidemiology of Nosocomial Infections (3 hours)

These courses were given on alternate winter schedules - 1 to 2 times weekly January to May. Approximately 20-30 graduate students are enrolled for each course.

### MEDICAL COLLEGE OF VIRGINIA/VIRGINIA COMMONWEALTH UNIVERSITY - 1995-

Professor and Former Chair
Department of Internal Medicine (2009 – Current)

### Chair

Department of Internal Medicine (1995-2009)

The responsibilities are to maintain and enhance the teaching, research, and service mission of the Department and maintain financial stability. There are 200 full time faculty members in the Department and an annual operating budget of \$50 million. The research budget is \$26 million. Contract budgets are approximately \$18 million.

#### President

Financial and Operations Board of Internal Medicine (1995-2009)

The Financial and Operations Board reviews Departmental finances monthly, every request for new recruiting and hires, and issues related to clinical operations.

### Director

Institute for Outcomes Research, VCU (1997-2002)

The President of VCU has designated \$250,000 per year for operating expenses of the newly designated Institute. The director is responsible for its growth in research, oversight of administrative and biostatistical support staff. By mid-2000, the Institute was handling \$10 million in research contracts. The Institutes for Clinical Trials and Outcomes Research were re-organized under the V.P for Research office in 2002 with a large expansion of activities.

### President

MCV Physicians (2003-8)

This is the first elected president since the foundation of the VCU Health System. The clinical chairs elected the President without term to oversee the

\$160 million budget.

Senior Associate Dean for Clinical Affairs (2005-8)

This position was created to link the Practice Plan with the School of Medicine (office of the Dean)

	1000	Veterans Affairs
	2009 – 2014	Executive Board Member
	2006-08	President
	2004-06	President-elect
	2000-04	International Society for Infectious Diseases: Executive Board Member Chair, Infection Control Working Group
	2002-05	Member, Annual Program Committee
	1993-95	Chair, Task Force on Outcomes Research, Infectious Diseases Society of America (IDSA)
	1990-91	Member, Subcommittee on Advertising of the Publications Committee, Infectious Diseases Society of America (IDSA)
	1988-91	Member, Publication Committee, Infectious Diseases Society of America (IDSA)
	1988-91	Infectious Diseases Society of America Council Member (elected), Infectious Diseases Society of America (IDSA)
	2000-06	Affiliate member NIAID Network on Antimicrobial Resistance in Staphylococcus aureus (NARSA) program
	1997	Consultant: Emergence of Drug Resistance in Staphylococcus aureus
	1997-2000	Member, Microbiology and Infectious Diseases Research Committee of NIAID
	1995	Member, Special Committee of the Microbial Physiology and Genetics - 2 study section
	1988-92	Member, National Institutes of Health Study Section: Epidemiology and Disease Control (#2)
	1988	Consultant, Small Business Innovation Research Phase I Contract Proposals for the National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health
	1987-88	National Institutes of Health Special Consultant, National Institutes of Health Study Section: Epidemiology and Disease Control (#2)
NATIONAL ACTIVITIES	1979-80	U.S. Congress Consultant to U.S. House of Representatives Ethics Advisory Board on Ethics Regarding Freedom of Information and Infection Surveillance Data, Washington, D.C.

Consultant, National VA Multicenter Study on the Efficacy of AZT in Delaying Onset of AIDS in HIV Infected Patients With

1990

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	CD4 Counts Less Than 500 and Greater Than 200
2004-	Member, National Research Advisory Council for Veterans Administration.
2008-	NRAC Subcommittee on OIF/OEF Va Research portfolio
2008-	Chairman, National Research Advisory Council for Veterans Administration 2008-2013
2011	Member – Gulf War Steering Committee
	Institute of Medicine/National Academies
1991	Institute of Medicine Task Force on the National Threat from Bacteria, Rickettsia, and Chlamydia
2001	Invitation-only meeting "Balancing National Security and Open Scientific Communication: Implications of September 11th for the Research University"
2010	Member, IOM Committee on Personal Protective Equipment for Healthcare Workers to Prevent Transmission of Pandemic Influenza or Other Viral Respiratory Infections:Current Research Issues
1984-87	Antimicrobial Agents and Chemotherapy of the American Society for Microbiology Program Committee, Interscience Conference on Antimicrobial Agents and Chemotherapy, American Society of Microbiology
1987	Young Investigator Awards Subcommittee for the Interscience Conference on Antimicrobial Agents and Chemotherapy (ICAAC)
1991-92	American Medical Association American Medical Association, Infection Control Certification Project Planning Group
1995-	<b>Association of Professors of Medicine</b> Member
2004-	APM Finance Committee Member
1979-80	Centers for Disease Control and Prevention  Member, Scientific Steering Committee for the Second International Symposium on Nosocomial Infections sponsored by the Centers for Disease Control, Atlanta, Georgia
1993	Consultant, Centers for Disease Control Advisory Committee on Prevention of HIV Infection; Subcommittee to review the HIV prevention strategy: "Monitoring the HIV/AIDS Epidemic" Hospitals
2004	Member, Healthcare Infection Control. Advisory Committee - Surveillance Group Management.
1983	International Conferences Scientific Program Chair, First International Symposium on Infection Control, April-May, Vienna, Austria
1985-86	Scientific Program Chair, Second International Symposium on Infection Control, London, England (Meeting cancelled)

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	· · · · · · · · · · · · · · · · · ·
1986-87	International Advisory Panel, 1987 meeting of the Hospital Infection Society, Great Britain
1988	International Board, International Symposium on Nosocomial Pneumonia, September 1-2, 1988, Freiburg, West Germany
1988-90	International Advisory Board, Second International Meeting on Bacterial Epidemiological Markers, April 9-11, 1990, Rhodes
1988-90	International Advisory Panel, 1990 meeting of the Hospital Infection Society, Great Britain
1989-90	Scientific Committee, 1st International Conference on the Prevention of Infection, Nice, France
1991	International Scientific Board for the International Symposium on Nosocomial Infections Due to Intravenous Devices, June 21-22,
1992	Freiburg, Germany International Board - Fifth Meeting of the Spanish Society for Infectious Diseases and Clinical Microbiology, November 10-13, 1992, Barcelona, Spain
1984	Pan American Health Organization Consultant, Pan American Health Organization, National Meeting. Trained leaders in Hospital Infection Control, March. Brazilia, Brazil
1964	International Field Trips Cholera field trip with the U.S. Navy Medical Research Unit II to Manila, Philippines under Robert A. Phillips, Capt. USN, sponsored by Dr. Kenneth Goodner, Chair, Department of Microbiology, Jefferson Medical School. Recipient of the "Order of the Perforated Pad" for Cholera field work lasting over 35 days.
1967	Cholera field trip, Dacca and Malumghat, East Pakistan with the Pakistan SEATO Cholera Research Laboratory, October through December. Director, Robert A. Phillips, M.D.
1982	Pan American Health Organization Consultant, Pan American Health Organization, South American International Meeting. Training of Teachers in Hospital Infection Control, September 11-17 and November 27- December 7, Santiago, Chile
1984-	World Health Organization WHO Expert Advisory Panel, Acute Bacterial Diseases
1965-	Other Class representative for the Alumni of Jefferson Medical College
1968-69	President of House Staff Association of Interns, Residents and Fellows, University of Maryland Hospital
1974-77	Member, Ad Hoc Advisory Panel of the National Coordinating Committee on Large Volume Parenterals.
1987-89	Program Committee, Surgical Infection Society
1987	Infection Control consultant to the University of California Systemwide Task Force on AIDS
1988-89	Co-Chair, Scientific Program Committee for the Baltimore, MD, March 1989 meeting sponsored by the Society of Hospital Epidemiologists of America (SHEA) and the journal Infection

INTERNATIONAL ACTIVITIES

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		Control and Hospital Epidemiology
	1994	Public Policy Committee for the Society of Hospital Epidemiology of America, Inc.
	2002 -2004	Academic Advisory Board for the Visiting Professorship in Infectious Diseases - Pfizer, Inc.
MEDICAL CENTER ACTIVITIES	1972-85	UNIVERSITY OF VIRGINIA Infection Control Committee, University of Virginia Hospital
	1976-79	DNA-Recombinant Committee, University of Virginia
	1979-80	Professional Standards Review Organization, (P.S.R.O.), University of Virginia Hospital
	1979-81	Medical Care Evaluation Committee, University of Virginia
	1979-85	Biohazards Committee, University of Virginia
	1979-85	Pharmacy and Therapeutics Committee, University of Virginia
	1980-82	Audit and Quality Assurance Committee, University of Virginia Hospital
	1981	Intern Selection Committee, Department of Medicine, University of Virginia
	1981-82	Member, Shenandoah Professional Standards Review Foundation Medical Care Evaluation Committee
	1981-82	Chair, Shenandoah Professional Standards Review Foundation Medical Care Evaluation Committee
	1984	Executive Committee, Council on Medical Education, University of Virginia
	1984	Southeastern Cancer Study Group Chair, Preventive Oncology Subcommittee, Cancer Committee, University of Virginia
	1984-85	Council on Medical Education, University of Virginia
	1984-85	Member, Alumni Consultants Council University of Virginia Medical School Alumni
	1984-85	Cost Control Committee, University of Virginia
	1986-95	UNIVERSITY OF IOWA Chair, Infection Control Subcommittee, University Hospitals and Clinics Advisory Committee, University of Iowa
	1987	Promotions Committee, evaluation of Associates, Instructors, and Assistant Professors, Department of Internal Medicine.
	1987	Promotions Committee, evaluation of Associate Professors, Department of Internal Medicine, University of Iowa
DDW 9	1987-93	Hospital Information System Advisory Subcommittee, University Hospitals and Clinics Advisory Committee University of Iowa

1987-89	Residency Selection Committee, Department of Internal Medicine, University of Iowa
1987-90	Chair, Subcommittee for Quality Assurance of Professional Practice Committee, Department of Medicine, University of Iowa
1987-90	Chair, Search Committee for Director of Division of Clinical Pharmacology, Department of Internal Medicine University of Iowa
1988	Chair, Promotions Committee, Evaluation of Associate Professors, Department of Internal Medicine, University of Iowa
1988-89	College of Medicine Lecture Committee, University of Iowa College of Medicine
1988-89	Co-PI at University Hospitals and Clinics for RAND Corporation Sponsored Academic Medical Centers Consortium for Quality and Appropriateness of Care, University of Iowa
1989-90	Member, Search Committee for Head of the Epidemiology Division of the Department of Preventive Medicine, University of Iowa College of Medicine
1989-95	Member, Department of Internal Medicine Clinical Research Task Force, University of Iowa College of Medicine
1989-95	Member, University-Wide Task Force on Infectious Diseases, University of Iowa
1989-95	Editor, <i>EPI-GRAM</i> , quarterly bulletin published statewide in Iowa and focused on quality assurance and hospital epidemiology issues, University of Iowa Hospitals and Clinics
1989-91	Director, 4th Year Medical Student Course, "Clinical Pharmacology and Therapeutics," University of Iowa College of Medicine
1990-95	Ethics Advisory Committee, University of Iowa College of Medicine
1990-91	Chair, Ad Hoc Committee to review Program of Hospital and Health Administration and select next program head
1990	Member, University Task Force to design the Center for Health Services Research and Policy Analysis
1990-95	Director, Graduate Course in Prevent Medicine, "Hospital Epidemiology"
1991-92	Member, Geriatrics Task Force
1991-92	Member, Committee to review adjunct faculty (PhDs) for membership on faculty of the Department of Internal Medicine
1991-95	Director, Graduate Course in Preventive Medicine, "Epidemiology of Infectious Diseases"
1991-96	Principle Investigator and Director of the National Institutes of Health-Sponsored Fellowship Program in Hospital Epidemiology

**ACTIVITIES** 

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1992	Chair, University President's Committee to select the newly designated Vice-President for Health Sciences
1993	Associate Chair, Department of Internal Medicine
1993	Member, Biotechnology Drug Advisory Subcommittee of the Hospital Advisory Committee
1993	Chair, Committee on Committees, Department of Internal Medicine
1993	Chair, University Industry Conflict of Interest Committee, Department of Internal Medicine
1993	Member, Center for International Rural and Environmental Health
1994	Collegiate Self-Study Subcommittee for Basic Sciences Department
1994	Committee to Review Full Professors, Program of Hospital and Health Administration
1994	Joint Strategic Planning Committee, The University of Iowa Office of The Vice President for Health Sciences and The Executive Office of Mercy Hospital
1994	Department of Medicine Committee to Organize and Implement Preparations for a Multi-Puropose Arthritis Center Proposal
1994	University Committee for Education Trainee Issues
1994-95	Search Committee for University Hygiene Laboratory Director
1995	Chair, Vice President for Medical Science Feasibility Study Committee to consider establishing a school of public health and allied health
1995	Task Force on Managing Health for Subcommittee on UIHC Strategic Planning
1995	Chair, Committee to Review Division of Cardiology, Department of Internal Medicine
	LEGE OF VIRGINIA OF VIRGINIA COMMONWEALTH UNIVERSITY
1995-7	Chair, General Clinical Research Center (GCRC) Advisory Board
1995-	Board Member, MCV Associated Physicians
1995-	Chairman, Clinical Practice Committee of the MCV Associated Physicians
1995-96	Chair, Search Committee for Division Chair of General Medicine, in the Department of Internal Medicine
1995-	GME Allocations Committee
1995-96	Search Committee for Director of Massey Cancer Center
1995-	Chairmans Advisory Board to MCV Hospital
1995-	Executive Committee of the Faculty

1995-	Executive Committee of the MCVH Medical Staff	
1995-	Executive Council of the Generalist Initiative	
1995-	VACGM Executive Committee	
1996-00	Member, MCVAP Managed Care Committee	
1996-9	Curriculum Change Stearing Committee	
1996- 97	Chair, Search Committee for Chair of Radiology	
1997-	Member, Faculty Recruitment Review Committee, School of Medicine	
1997- 2014	Member, Advisory Committee for the V.P. for Strategic Planning	
1997-2001	VP for Health Services Advisory Committee to the office of Health Policy and Research	
1997- 2014	Member, Senior Committee for Senior VP/COO for MCV Hospitals	
1998- 2014	MCV Hospital Authority Board	
1999- 2014	MCV Hospital Authority Board Subcommittee on Quality, Safety and Credentials	
1999-	Member of the MCV Foundation Board of Directors	
1999-	Trustee. MCV Foundation	
2000- 2002	Strategic Planning Committee of the VCU's Health System Board	
2001-2	Chair, Search Committee for the Chair of Ophthalmology	
2001-	Member, University Health System Task Force on Finances and Human Resources	
2002 - 2006	Member, Research Advisory Council for VCU	
2002-3	Member, Search Committee for the Chair of Surgery	
2003-4	Member, Search Committee for CEO of MCVH	
2003-9	Member, MCV Physicians Board	
2003-10	Member, VCU School of Nursing Advancement Council	
2005-9	Chair, Dean's Committee for Strategic Development of Translational Research at VCU	
Association of American Physicians American Society for Clinical Investigation		

PROFESSIONAL **SOCIETIES** 

American Society for Clinical Investigation American Clinical and Climatological Association Association of Professors of Medicine Infectious Diseases Society of America (**Fellow**)

Council Member (elected) - 1988-1991

**Member**, IDSA Society Awards Committee – 2007-10 American Epidemiological Society

American College of Epidemiology (**Fellow**) Southern Society for Clinical Investigation - through 1986

Central Society for Clinical Investigation - 1987-95

American Federation for Clinical Research American College of Physicians (**Master**) American Society for Microbiology

Association for Practitioners in Infection Control Surgical Infection Society (Charter Member)

Society for Epidemiologic Research Hospital Infections Society (Europe) International Epidemiological Association

International Society for Infectious Diseases

**President-elect** - 2004 - 2006 **President** - 2006-2008

Executive Board Member - 2009 - Current

American Academy of Microbiology (Fellow)

PROFESSIONAL SOCIETIES

Society of Hospital Epidemiologists of America

Vice President - 1983 President Elect - 1984 **President** - 1985

National Research Advisory Council of the Veterans Affairs. Member 2005-

Chair: 2008-2012

Albemarle County Medical Society - 1972-1986 Medical Society of Virginia - 1972-1986 Royal Society of Medicine (Affiliate) Sydenham Society

**AWARDS** 

# 1971 Sir Henry S. Wellcome Medal and Prize for 1971

The paper was entitled, "Acute Respiratory Disease: Clinical and Epidemiologic Observations of Military Trainees" (Presented December 7, 1971 at the Annual Convention of Military Surgeons). The award consisted of a silver medal, scroll and honorarium. It was established by Sir Henry S. Wellcome in 1916 and is awarded annually by the Association of Military Surgeons of the United States. The award is sponsored by the trustees of the will of the late Sir Henry S. Wellcome L.L.D. F.R.S. for the best essay on a subject of the author's choosing that relates to military medicine.

### 1974 Major Louis Livingston Seaman Prize

For notable article published in Military Medicine, presented in San Diego, California October 28, 1974 at the Association of Military Surgeons. The article was entitled "Malaria in Vietnam (I Corps Sector): Review of 214 cases including EEG patterns of 19 acutely ill patients."

1978 Annual award of the Virginia Association of Practitioners of Infection Control for Contributions to APIC, Virginia

1985-86 **Senior International Fellowship- NIH** 

Fogarty Center of National Institutes of Health for work per formed at the London School of Hygiene and Tropical Medicine

1990 Burlington Northern Foundation Faculty Achievement Award

For excellence in teaching. This is an annual award given by The University of Iowa Council on Teaching for outstanding teaching, scholarship, and service over a career.

1994 Abbott Achievement Award for Outcomes Research

Infectious Diseases Society of America. The \$50,000 award is designed to support the work of an individual initiating a project to advance a cause important to infectious disease physicians

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and to the Society.

1994	Regents Award for Faculty Excellence This award is given annually to a member of the University for excellence in service, research, and teaching, specifically for a "sustained record of excellence across the spectrum of faculty endeavors."
1994-96	Humboldt Research Award for Senior U.S. Scientists Granted in recognition of past accomplishments in research and teaching. These research awards\$65,000including invitations to undertake prolonged periods of research in the Federal Republic of Germany - are intended to promote long-term specialized cooperation between foreign and German researchers and their institutes.
1997	Woodward Award and Lecture U.S. Navy Occupational Health and Prevention Annual Workshop This award included a lecture to 2,100 delegates given to recognize "vision and leadership in Public Health and Preventive Medicine."
1997	Society for Healthcare Epidemiology (SHEA) Annual Lecturer and Award In recognition of extraordinary career contribution to Infection Control and Healthcare Epidemiology. St. Louis, April
1999	James D. Bruce Memorial Award Presented by the American College of Physicians - American Society of Internal Medicine for "distinguished contribution in Preventive Medicine"
1999	<b>Thomas E. O'Brien, MD Memorial Lecture Award for Excellence in Medicine</b> . In recognition of outstanding lifetime achievements in the field of Medicine. INOVA/Fairfax Health System 14 November 1999
2001-2	Contemporary Clinical Medicine "Great Teacher" - named by the National Institutes of Health; Special Lecture - 14 Nov 2001.
2002	Awarded Mastership of the American College of Medicine
2002	<b>University of Iowa Distinguished Achievement Award</b> from the Department of Internal Medicine. Presented to former or current faculty every two years, the award is given to an extraordinary scientist and mentor.
2003	Jefferson Medical College's <b>Distinguished Alumni Award</b> . This is an annual award given to an alumnus and the highest accolade given by the Alumni.
2004	<b>W. Robert Irby Award</b> , for <i>Leadership in Philanthropy</i> , presented by the MCV Foundation. July 9th.
2008	<b>Laureate Award</b> , American College of Physicians – Virginia Chapter – for an abiding commitment to excellence in medical care, education or research and In service to their community, their Chapter and the American College of Physicians.
2008	<b>Pioneer in Medicine Award</b> – Voted on by physicians in the Greater Richmond area and featured in <i>Richmond Magazine</i> .
2009	<b>Educational Innovation Award</b> of the VCU School of Medicine. The Award recognizes the VCU theatre-medical project.
2010	Elected <b>Honorary Member of the Mexican National Academy of Medicine</b> for lifetime achievements and help for the citizens of Mexico.

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2010	<b>Maxwell Finland Award for Scientific Achievement</b> from the National Foundation for Infectious Diseases. Criteria for the Award include excellence in clinical/Research activities; participation in training future leaders; and positive impact on the health of humankind.
2010	Faculty Achievement Award at VCU: The Hightest Award Given at the University
2010	<b>Edward Kass Award and Lecture</b> - National Meeting of the Infectious Diseases Society of America, for a distinguished career in infectious diseases. Vancouver.
2011	<b>Elaine Larson</b> Lectureship and Award – National Meeting and the Association of Practitioners of Infection Control for lifetime achievement. Baltimore
2011	Elaine Larson Award and Plenary Lecture Association of Practitioners of Infection Control. Baltimore
2012	McGovern Compleat Physician Award – Presented by the Houston Academy of Medicine (January). The John P. McGovern Compleat Physician Award, established in 1993, is presented annually by the Houston Academy of Medicine to recognize a physician whose career has been founded on Oslerian ideals of medical excellence, humane and ethical care, commitment to medical humanities and writing, research, and harmony between the academician and medical practitioner. These characteristics were exemplified by the life of Sir William Osler, who is revered world-wide as the "Father of Modern American Medicine."
2013	<b>2013 SHEA Mentor Scholar Award</b> to honor individuals who are recognized for their dedication and excellence in mentoring trainees in infection prevention and control SHEA is the society for healthcare epidemiology of America.
2014	<b>2014 Martin Favaro Award</b> from the International Federation for Infection Control for Lifetime Achievement.
2014	<b>Presidential Medallion -</b> An award from VCU presented for his contributions, talent, leadership, and vision.
2015	<b>Simon Gratz Award</b> – Jefferson Medical College for significant medical research initiatives.
1981	National Foundation of Infectious Diseases Lecturer at the Annual Meeting of the National Association of Practitioners of Infection Control, Atlanta, Georgia, May 18, 1981
1983	Elected as honorary member of AOA by the AOA student members of Alpha Chapter at the University of Virginia Medical School
1985	Invited lecturer, National meeting of the Infectious Diseases Society of America: "Evolving Art and Science of Hospital Epidemiology," Minneapolis, Minnesota, October 1985
1986	Invited keynote lecturer, National meeting of the Swedish Society of Sterilization and Infection Control: "Surveillance of Hospital Acquired Infections," Göteborg, Sweden, June 1986
1988	Invited keynote address, Annual Meeting of the Association for Practitioners in Infection Control: "Interaction of Man and Microbe: Implications of the AIDS Epidemic for Hospital Epidemiology," Dallas, Texas, May 1988
1989	Invited lecturer - Division L - Annual Address National Meeting of the American Society for Microbiology, New Orleans, May 9-14, 1989

HONORS

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1991	Keynote speaker, National Meeting of the Hospital Hygiene Society, Norway
1991-00	Listed in The Best Doctors in America, Woodward/White Inc.
1993	Special Honor of the Society of Hospital Epidemiology for editorship of <i>Infection Control and Hospital Epidemiology</i> , 1980-1993
1995	Listed in Sterling Who's Who Directory
1997	Life Member of the National Registry of Who's Who
1997-	Honorary Membership of the Mexican Society for the Study of Nosocomial Infections Presented in Mexico City
1999-	53d Shelton B. Horsley lecturer – Richmond Academy of Medicine
2001	<b>Nominee - "Best Teacher"</b> . One of five finalists voted by the 4th year medical students at the Medical College of Virginia
2002	Annual Walter Reed Lecture - Richmond Academy of Medicine: "The History of Biological Terror." May 8th.
2002	<b>Nominee - "Best Attending."</b> One of nine finalists voted by the 4th year medical students at the Medical College of Virginia.
2002	<b>Nominee - Outstanding Teaching Award.</b> One of nine finalists voted by the 4th year medical students for this separate award at MCV
2004	Speaker - Annual Great Pearls Day for graduating M-4s at MCV (one of seven faculty members selected)
2005	Keynote speaker, National Meeting for Infection Control, New Zealand.
2005	<b>The Excellence in Teaching Award</b> by the VCU Internal Medicine Housestaff for committment to the ideals of education, research, and clinical service. 19 May
2005	Invited speaker (one of seven worldwide) to the Symposium, celebrating <b>the 100th Anniversary of the Nobel Prize for Robert Koch</b> . Sponsored by the Robert Koch Institute. Berlin, 28 October.
2005	Elected Trustee of the Richmond Academy of Medicine.
2007	Finalist, Outstanding Faculty Award presented by the Commonwealth of Virginia State Council of Higher Education.
2007	Hooder at MCV Graduation – One of two faculty members voted by the 4 <sup>th</sup> year Medical School class
2008	Outstanding Teacher Award (from students) M-III Medicine Clerkship
2008	The Most Skilled CPC Diagnostician teaching award from the Internal Medicine Housestaff
2009	The Moss Lectureship Award by the Virginia Chapter of the ACPit is the opening plenary talk "The Least Lecture"
2009	University of Virginia. Dr. William Parson's Visiting Professorship. The most important visiting professorship in Internal Medicine at the UVA

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	2009	Oregon Health Science Center. H.P. Lewis Visiting Professorship, the most important visiting professorship at the Oregon HSC
	2009	<b>Commencement Speaker</b> VCU Graduation for Master and PhD graduates in the Department of Epidemiology
	2011	Commencement Speaker chosen by the VCU graduates – School of Medicine
	2011	<b>Keynote Speaker</b> Annual Meeting of APIC (4100 in attendance) APIC is The Association for Preventionists in Infection Control, Baltimore, MD
	2013	One of the 12 panelists in the 40 <sup>th</sup> APIC Annual Meeting Keynote Presentations (4500 in attendance) Ft. Lauderdale, FL
	2014	Faculty excellence in teaching award from the VCU housestaff
	2014	Keynote speaker annual senior student forum for research. Emory University, Atlanta Georgia
	2016	James Moss Lecture: The art and science of physical diagnosis. Virginia ACP Chapter Meeting - March
SPECIAL/NAMED VISITING PROFESSORSHIPS	1982	Visiting Professor, Chang Gung Memorial Hospital, June 1- 30, Taipei, Taiwan
PROFESSORSHIPS	1991	E.B. Flink Visiting Professor, The University of West Virginia, April 8-10
	1992	Richard Bowman Lectureship and Visiting Professor, The University of Virginia, Charlottesville, Virginia, October 8-11
	1993	Dr. Maurice C. Pincoffs Lecturer in Medicine, The University of Maryland School of Medicine, December 6
	1994	University of Geneva, Geneva Switzerland, March 20-25
	1994-1997	Institute of Hygiene and Microbiology and University of Cologne, Germany, July 1-30
	1994	Edmond Lowbury Lectureship - Opening lecture of the Hospital Infections Society (United Kingdom) presented at the triennial meeting of the Society in London, September 1994
	1996	Dascomb Lecturer, Louisana State Universiity School of Medicine, New Orleans, October 24-25.
	1999-	Memorial Lecturer. Fairfax/Inova Hospital, Fairfax, Virginia
	1999	Pfizer Visiting Scholar - Stanford University School of Medicine
	2000	Visiting professor. Harvard Medical School. May 31- June 1
	2001	Visiting Professor. Johns Hopkins University School of Medicine. January 24-26
	2001	The Sonia Stupniker Isard Lecturer for the College of Physicians of Philadelphia - "Biological Terror". December 6, 2001.
	2003	James Hammarsten visiting professor and lectureship, University of Oklahoma, March 4-5.

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	2003	Franklin Koontz visiting professorship and lecturer, University of Iowa College of Medicine, May 7-9.
	2004	Robert J Fass Award and Visiting Professorship. Ohio State University, June 2-3.
	2008	Summer Memorial Trust Lecturer. Oregon Health Sciences University and Providence St. Vincent Medical Center 10-11 May
	2008	Watanakunakorn Lecturer. Northeast Ohio University of Medicine; 29 September
	2009	Howard P. Lewis Visiting Professorship – The University's Most Distinguished Professorship. Oregon Health Sciences University, Portland, Oregon. 2-6 November
	2013	Visiting Professor – University of Cologne, May 2013
	2013	Visiting Professor – University of Basel, October
	2016	Benson – Kendell Visiting Professorship Oregon Health and Science University, Portland, Oregon
	2016	Visiting Professor – University of South Carolina
JOURNAL EDITORSHIP	1979-93	<b>Founding Editor</b> , <i>Infection Control and Hospital Epidemiology</i> (formerly <i>Infection Control</i> )
	1995-2000	Founding Editor, Clinical Performance and Quality Health Care
	2001-Current	Editor-at-Large <i>The New England Journal of Medicine</i> The Editor-at-Large is a position approved by Jeff Drazen, MD, Editor-in-Chief. The responsibilities of the Editor-at-Large include selecting the reviewers, reading the manuscripts, and making final decisions for all manuscripts submitted to the <i>NEJM</i> by members of the Editorial Board, Associate or Deputy Editors, or the Editor-in-Chief.
JOURNAL EDITORIAL BOARDS	1979-83	Antimicrobial Agents and Chemotherapy
BOARDS	1979-90	American Journal of Infection Control
	1984-90	Journal of Hospital Infection (London)
	1990-	Enfermedades Infecciosas y Microbiologia Clinica (Journal of the Spanish Society of Infectious Diseases and Clinical Microbiology)
	1992-2000	The New England Journal of Medicine
	1993-95	European Journal of Clinical Microbiology and Infectious Diseases
	1993-2000	National Foundation for Infectious Diseases Publication "Clinical Updates in Infectious Diseases"
	1993-95	Journal of Infectious Diseases and Antimicrobial Agents (Infectious Disease Associates of Thailand)
	1993-1996	Microbial Drug Resistance
	1995-2004	Clinical Infectious Diseases
	1997-2002	Sepsis

	1998-2005	The American Journal of Medicine
ADVISORY BOARD	2002-4	Academic Advisory Board of the Pfizer Visiting Professorship Program
MAJOR RESEARCH	1)	Prevention and Control of Hospital-Acquired Infections
INTERESTS	2)	Sepsis
	3)	Candida bloodstream infections
	4)	Policy Development for Quality of Care of Patients
FELLOWS TRAINED AND THEIR	Postdoo	etoral Fellows Directly Supervised
CURRENT ACTIVITIES	1974-76 <b>Robert</b>	<b>B. Craven, MD</b> , Hospital Epidemiologist, Vector Borne Disease Control, Fort Collins, Colorado
	1976-77 <b>James </b>	Veazey, MD, Associate Professor of Medicine, Hospital Epidemiologist, Albany Medical Center, Albany, New York
	1976-78 <b>Timoth</b>	y Townsend, MD, Senior Director, Medicial Affairs, Johns Hopkins Hospital, Baltimore, Maryland
	1978-79 <b>Leigh (</b>	<b>G. Donowitz, MD</b> , Professor, Pediatrics, University of Virginia, Charlottesville, Virginia
	1979-80 <b>Bruce F</b>	Hamory, MD, Associate Professor of Medicine, Hospital Epidemiologist, Hershey Medical Center, Hershey, Pennsylvania
	1980-81 <b>Bruce I</b>	Farber, MD, Infectious Diseases Unit, Hospital Epidemiologist, Assistant Professor of Medicine, Cornell Medical School, North Shore University Hospital, Manhasset, New York
	1979-81 <b>Willian</b>	<b>Martone, MD, MS</b> , Director, Hospital Infection Branch, Centers for Disease Control and Prevention, Atlanta, Georgia
	1979-82 <b>James I</b>	E. <b>Peacock, MD</b> , 1982: Associate Professor of Medicine, Bowman-Gray, Winston-Salem, North Carolina
	1980-82 <b>John N</b>	. <b>Kreiger, MD</b> , 1982: Associate Professor Urology, University of Washington, Seattle, Washington
	1980-83 <b>Robert</b>	<b>L. Thompson, MS, MD</b> , 1983: Chief, Department of Internal Medicine, University of Washington, Seattle, Washington
	1983-84 <b>Robert</b>	<b>L. Brawley, MS, MD</b> , 1984: Epidemiologist, U.S. Naval Hosp. San Francisco, California
	1983-85 <b>Charles</b>	<b>S.E. Haley, MS, MD</b> , 1984: Medical Epidemiologist, San Antonio Health Dept. San Antonio, Texas
	1983-85 <b>Hseih-S</b>	<b>Shong Leu, MS, MD</b> , 1985: Hospital Epidemiologist, Chang-Gung Memorial Hospital, Taipei, TAIWAN
	1983-85 <b>Samuel</b>	<b>Ponce de Leon, MS, MD</b> , 1985: Chief, Hospital Epidemiology, Division Instituto de Nutricion, Mexico City, MEXICO

1984-85 Magued Ishak, MD, MS, Microbiologist, Hospital Maisonneuve,

- Rosemont, Montreal, Quebec, CANADA
- 1984-85 **Carol Van Dyke Freer, MS, MD**, 1985: Hospital Epidemiologist, Hanover General Hospital, Hanover, Pennsylvania
- 1984-85 **Allan J. Morrison, MS, MD**, 1985: Hospital Epidemiologist, Fairfax Hospital, Fairfax, Virginia
- 1986-87 **Sergio Wey, MD**, 1987: Chief of Infectious Diseases Division, Hospital Epidemiologist, Escola Paulista de Medicine, Sao Paulo, BRAZIL
- 1986-88 **Michael A. Martin, MD**, 1988: Hospital Epidemiologist, Oregon Health Sciences University, Portland, Oregon
- 1987-89 **Gail Stanley, MD**, 1989: Clinical Assistant Professor of Medicine, Hospital Epidemiologist, University of E. Tennessee, Bristol, TN
- 1988-89 **Claudio Pannuti, MD**, 1989: Associate Professor of Medicine, Hospital Epidemiologist, Universidade de Sao Paulo, Sao Paulo, BRAZIL
- 1988-89 Lisa Veach, MD, 1989: Infectious Disease Practitioner, Des Moines, Iowa
- 1988-90 **David Reagan, MD, PhD**, 1990: Assistant Professor of Medicine, East Tennessee State University, Bristol, Tennessee and Chief, Infectious Diseases, VA Medical Center, Bristol, TN
- 1988-91 **Bradley Doebbeling, MD**, Assistant Professor, Department of Internal Medicine, University of Iowa, Iowa City, Iowa
- 1988-91 **Trish Perl, MD**, Assistant Professor, Hospital Epidemiologist, Johns Hopkins University, Baltimore, Maryland
- 1989-91 **Ann Broderick, MD**, Staff Physician, The Free Medical Clinic, Iowa City, Iowa
- 1989-90 **Heinrich Geiss, MD**, Associate Professor, University of Heidelberg, Heidelberg, GERMANY
- 1990 **Antoni Trilla, MD, PhD**, Faculty Staff Physician, Infectious Diseases Unit, Hospital Clinic, University of Barcelona, Barcelona, SPAIN
- 1990-92 **Didier Pittet, MD, MS**, Medecin-Responsable, University Hospital of Geneva, Geneva, SWITZERLAND
- 1990-92 **Andreas Widmer, MD, MS**, Clinical Epidemiology, University Hospital of Basel, Basel, SWITZERLAND
- 1991-92 **Javier Ena, MD, PhD**, Department of Internal Medicine, Hospital Gregorio, Maraon, University of Madrid, Madrid, SPAIN
- 1991-95 **M. Sigfrido Rangel-Frausto, MD,** Clinical Epidemiology
  Training, University of Iowa Hospitals and Clinics, Iowa City,
  Iowa. Home: Instituto Nacional de la Nutricion, Mexico City,
  MEXICO
- 1990-92 Mark Grosserode, MD, Inter I.D. Inc. Tulsa, Oklahoma
- 1990-93 **Daniel Nafziger, MD, MS**, Hospital Epidemiologist, Henry Ford Medical Center, Detroit, Michigan

- 1992-93 **Roman Pallares, MD**, Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa. Home: University of Barcelona, Barcelona, SPAIN
- 1992-93 **Andreas Voss, MD**, Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa. Home: Munich University Hospital, Munich, GERMANY
- 1992-93 **Michael Edmond, MD**, MPH, Assistant Professor, Medical College of Virginia, Virginia Commonwealth University. Richmond, Virginia
  Home: University of Pittsburgh, Pittsburgh, Pennsylvania
- 1992-95 **Ed Morales, MD**, Infectious Diseases and Clinical Epidemiology
  Training, University of Iowa Hospitals and Clinics, Iowa City,
  Iowa
- 1993-95 **Todd Wiblin, MD**, Infectious Diseases and Clinical Epidemiology Training. Home: University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1993-95 **Marie-Claude Roy, MD**, Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa. Home: Hospital de l'Enfant-Jesus, Quebec, CANADA
- 1994-95 **Yasmina Berrouane, MD**, Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa. Home: FRANCE
- 1993-95 **Daniel Diekema, MD**, Infectious Diseases and Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1994-95 **Carl Lebuhn, MD**, Infectious Diseases and Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1994-95 **Patricia Meier, MD**, Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa Home: United States Air Force, Texas
- 1994-95 **Constanze Wendt, MD**, Clinical Epidemiology Training, University of Iowa Hospitals and Clinics, Iowa City, Iowa. Home: GERMANY
- 1995 **Stefan Weber, MD**, Infectious Diseases and Clinical Epidemiology Training at The University of Iowa. Home: GERMANY
- 1995-98 **Alice Wong, MD,** Assistant Professor; University of Calgary; Calgary, CANADA
- 1996-98 **Diane Franchi, MD,** Assistant Professor, Eastern Virginia Medical School Norfolk, Virginia
- 1997-99 Werner Bischoff, MD, Bowman-Grey School of Medicine, North Carolina
- 2000-02 **Andrea Gonzalez, MD,** Fellow, Infectious Diseases. Medical College of Virginia, VCU, Richmond.
- 2001-02 **Heike von Baum, MD**. Faculty. University of Heidelberg, Germany.

### **Other Postdoctoral Fellows Trained**

- 1989-90 **Karen Maves, MD**, Associate, Department of Internal Medicine, University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1989-91 **Ricardo Ciniglio, MD**, Cardiology Fellow, Department of Internal Medicine, University of Nebraska, Omaha, Nebraska
- 1989-91 **Brenda Phillips, MD**, University of Iowa Faculty, General Medicine Fellowship, Department of Internal Medicine, University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1989-91 **Tina Wald, MD**, Fellow, Infectious Diseases and Geriatrics,
  Department of Internal Medicine, University of Wisconsin
  Hospital and William S. Middleton Memorial Veterans Hospital,
  Madison, Wisconsin
- 1991-92 **Gregory Bottei, MD**, Pulmonary Fellow, Division of Pulmonary Diseases, University of North Carolina-Chapel Hill
- 1991-92 **Ghaly Kerolus, MD**, Morgan County Medical Associates, Berkely Spring, West Virginia
- 1991-93 **Issa Ephtimios, MB, CHB**, Division of Infectious Diseases, Henderson General Hospital, McMaster Medical Unit, Hamilton, Ontario, CANADA
- 1992-94 **Leon Menajovsky, MD**, Staff physician, Department of Medicine, Des Moines Veterans Affairs Medical Center. Currently Assistant Professor, Division of General Medicine, Jefferson Medical College, Philadelphia, Pennsylvania.
- 1992-93 **Rebecca Hegeman, MD**, Fellow Associate, Department of Internal Medicine-Nephrology, University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1993-95 **Iftekhar Awan, MD**, General Medicine Fellowship, Department of Internal Medicine, University of Iowa Hospitals and Clinics, Iowa City, Iowa
- 1994-95 **Nicole Levstik, MD**, General Medicine Fellowship, Department of Internal Medicine, University of Iowa Hospitals and Clinics, Iowa City, Iowa

### **PhD Theses Directed**

- 1988 **Louise Ann McNutt, MS, PhD**, "Risk Factors for Nosocomial Pneumonia in Medical Intensive Care Unit Patients." Current Position: Center for Disease Control, EIS Officer, Atlanta, Georgia
- 1990 **Shin H. Chung**, "Risk Factors for Hospital-Acquired Pulmonary Emboli"
- 1992 **Ning Li**, "Categorical Data Analysis of Risk Factors for Nosocomial Infections"
- 1993-95 **Deborah Schroeder**, "Hospital-Acquired Urinary Tract Infections"

### **BIBLIOGRAPHY**

### **Text Books**

- 1. Handbook on Hospital Acquired Infections. RP Wenzel, ed. Boca Raton, Fla: CRC Press, Inc.; 1981.
- 2. Prevention and Control of Nosocomial Infections. RP Wenzel, ed. Baltimore, Md: Williams and Wilkins; 1987.
- 3. Assessing Quality Health Care: Perspective for Clinicians. RP Wenzel, ed. Baltimore, Md: Williams and Wilkins; 1992.
- 4. *Prevention and Control of Nosocomial Infections.* 2nd edition. RP Wenzel, ed. Baltimore, Md: Williams and Wilkins: 1993.
- 5. Prevention and Control of Nosocomial Infections. 3rd edition. RP Wenzel, ed. Baltimore, Md: Williams and Wilkins, 1997.
- 6. *Prevention and Control of Nosocomial Infections*. 4th edition. RP Wenzel, ed. Baltimore. Lippincott, Williams and Wilkins; 2003.
- 7. Clinical Decision Support: Hospital Infection Control. Richard P Wenzel, and Gonzalo Bearman eds. Decision Support in Medicine 2014. LLC, Wilmington, DE
- 8. Clinical Decision Support: Infectious Diseases. RP Wenzel, Associate Editor, Decision Support in Medicine 2014. LLC Wilmington, DE.

### Journal/Book Section Editor

- 1. Nosocomial Infections. Current Opinion in Infectious Diseases. Current Science, London, 1988.
- 2. Nosocomial and Community Infections: the Role of the Clinical Microbiology Laboratory. *Manual of Clinical Microbiology*. 5th ed. A Balows, ed. Washington, D.C.: American Society for Microbiology; 1990.
- 3. The Control of Communicable Diseases. *Public Health and Preventive Medicine*. 13th Edition. JM Last, R Wallace, eds. Norwalk, Conn: Appleton & Lange; 1991.
- 4. Nosocomial Infections. Current Opinion in Infectious Diseases. London: Current Science; 1990.
- Nosocomial Infections. Manual of Clinical Microbiology. 6th ed. Washington D.C.: American Society for Microbiology; 1994.
- 6. Staphylococcal Infections. J Chemotherapy. 1994; 6:(suppl 2)1-75.
- 7. Nosocomial Infections. *Manual of Clinical Microbiology*. 7<sup>th</sup> ed. Washington, DC.:American Society for Microbiology, 1999

### **Books for General Readership**

- 1. Stalking Microbes. A Relentless Pursuit of Infection Control. (non-fiction) Richard P. Wenzel. 2005 Author House. Bloomington, Indiana. ISBN: I-4208-2006-0(so); ISBN:I-4208-2005-2(dj). Library of Congress Control Number 2004195076
- Labyrinth of Terror Fiction Medical Thriller) Richard P. Wenzel, 2010. Brandylane Publishers, Inc. Richmond, Virginia ISBN 978-1-88391393
   Library of Congress Number 2010934024
- Nominated Best Fiction Award Virginia Library Association

### Monographs

- 1. Jones RN, Koontz, FP, Stratton CW IV, Wenzel RP. *Emerging Trends in Gram-Negative Resistance. A New Concern for Critical Care Medicine*. Lederle Laboratories Publication; 1990.
- 2. Doebbeling BN, Herwaldt L, Nettleman M, Pfaller MA, Wenzel RP. *Hospital-Acquired Infections: New Challenges*. The Upjohn Company; 1991.
- 3. *A Guide to Infection Control in the Hospital*. Editors: Wenzel RP, Edmond M, Pittet D, Devaster J-M, Geddes A, Butzler J-P. Hamilton, London: B.C. Decker Inc., 1998. Croatian translation 1999; Spanish translation 2000; Polish translation 2001. 2nd edition 2002. French translation 2002. Greek translation 2002. Russian translation 2003. 3rd edition 2004. 4<sup>th</sup> edition 2008 with Chinese translation in 2008. Over 60,000 copies have been distributed free of charge to health care workers in the developing world coutriesby the end of 2008

### **Papers**

- 1. Perkins JC, Tucker DN, Knopf HLS, Wenzel RP, Hornick RB, Kapikian AZ, Chanock RM. Evidence for protective effect of an inactivated rhinovirus vaccine administered by the nasal route. *Am J Epidemiol*. 1969; 90:319-326.
- Perkins JC, Tucker DN, Knopf HLS, Wenzel RP, Kapikian AZ, Chanock RM. Comparison of protective effect of neutralizing antibody in serum and nasal secretions in experimental rhinovirus type 13 illness. *Am J Epidemiol*. 1969;90:519-526.
- Biggs RD Jr, Wenzel RP. Cardiac irritability secondary to sympathetic overactivity. Md State Med J. 1970; 19:97-98.
- 4. Music SI, Libonati JP, Wenzel RP, Snyder MJ, Hornick RB, Woodward TE. Induced human cholera. *Antimicrob Agents Chemother*. 1970; 10:462-466.
- 5. Wenzel RP, McCormick DP, Smith EP, Clark DL, Beam WE Jr. Acute respiratory disease: clinical and epidemiologic observations of military trainees. *Milit Med.* 1971; 136:873-880.
- 6. Wenzel RP, Phillips RA. Intraperitoneal infusions for initial therapy of cholera. *Lancet*. 1971; 2:494-495.
- 7. Wenzel RP, McCormick DP, Le Bouvier GL. Arthritis and hepatitis. N Engl J Med. 1971; 285:805.
- 8. Hornick RB, Music SI, Wenzel RP, Cash R, Libonati JP, Snyder MJ, Woodward TE. The Broad Street Pump revisited: response of volunteers to ingested cholera vibrios. *Bull NY Acad Med.* 1971; 47:1181-1191.
- 9. Wenzel RP, Mitzel JR, Davies JA, Beam WE Jr. Meningococcal infection: clinical and epidemiologic observations on a military base over a one-year period. *U.S. Naval Medical Field Research Laboratory, Camp Lejuene, North Carolina*. Vol XXI:1-7, 1971. Bureau of Medicine and Surgery, Navy Department Work Unit MF 12.524.009-8011BF61.4.
- 10. Wenzel RP, Le Bouvier GL, Beam WE Jr. Drug abuse and viral hepatitis in marines. JAMA. 1972; 220:707-709.
- 11. Wenzel RP, Mitzel JR, Davies JA, Beam WE Jr. Serum and nasal secretion immune response in meningococcal disease. *Infect Immun*. 1972; 5:627-629.
- 12. Wenzel RP, McCormick DP, Beam WE Jr. Parainfluenza pneumonia in adults. JAMA. 1972; 221:294-295.
- 13. Wenzel RP. Venn diagrams in drug abuse education. JAMA. 1972; 220:860-861.

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- 14. McCormick DP, Wenzel RP, Smith EP, Beam WE Jr. Failure of rifampin to inhibit adenovirus replication. *Antimicrob Agents Chemother*. 1972; 2:326-328.
- 15. McCormick DP, Wenzel RP, Davies JA, Beam WE Jr. Nasal secretion protein responses in patients with wild-type adenovirus disease. *Infect Immun*. 1972;6:282-288.
- 16. Wenzel RP, McCormick DP, Busch HJ, Beam WE Jr. Arthritis and viral hepatitis. A patient with transient serum hepatitis-associated antigen, skin nodules, rash, and low serum complement. *Arch Intern Med.* 1972; 130:770-771.
- 17. Wenzel RP, Stotka VL. Imported malaria in Marine Corps personnel. N Engl J Med. 1972; 287:1153.
- McCormick DP, Wenzel RP, Beam WE Jr. Lifelong recurrent cutaneous Herpesvirus hominus infection. U.S. Naval Medical Field Research Laboratory, Camp Lejeune, North Carolina. Vol XXII, No. 21, August 1972. Bureau of Medicine and Surgery, Navy Department Work Unit MF51.1524.009-8011BF61.9.
- 19. Wenzel RP, Adams JF, Smith EP. Patterns of illicit drug use in viral hepatitis patients. *Milit Med.* 1973; 138:345-350.
- 20. Wenzel RP, McCormick DP, Beam WE Jr. Clinical applications of Australia/Hepatitis-associated antigen. *South Med J.* 1973; 66:186-189.
- 21. Stotka VL, Wenzel RP. Malaria in Vietnam (I Corps Sector): review of 214 cases including EEG patterns on 19 acutely ill patients. *Milit Med.* 1973; 138:795-802.
- 22. Wenzel RP, Mitzel JR, Davies JA, Edwards EA, Berling C, McCormick DP, Beam WE Jr. Antigenicity of a polysaccharide vaccine from *Neisseria meningitidis*, administered intranasally. *J Infect Dis.* 1973; 128:31-40.
- 23. Hendley JO, Wenzel RP, Gwaltney JM Jr. Transmission of rhinovirus colds by self-inoculation. *N Engl J Med*. 1973; 288:1361-1364.
- 24. Wenzel RP, McCormick DP, Davies JA, Berling C, Beam WE Jr. Cytomegalovirus infection: a seroepidemiologic study of a recruit population. *Am J Epidemiol*. 1973; 97:410-414.
- 25. Wenzel RP, Hendley JO, Sande MA, Gwaltney JM Jr. Revised (1972-1973) bivalent influenza vaccine. Serum and nasal antibody responses to parenteral vaccination. *JAMA*. 1973; 226:435-438.
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**Stopped Populating this Field in 2006** 

# University of Virginia 1972-1986

Sponsor	# Years of Funding:		Project	
National Institutes of Health	1974-78		Study of the Efficacy of an OSU-1 Mycoplasma pneumoniae Vaccine in Marine Corps Recruits	
Centers for Disease Control	1974-78		Development of a Statewide Program for Surveillance/Control of Nosocomial Infections	
State of Virginia	1978-84		Continuation of CDC Project to Develop Statewide Program for Surveillance and Control of Nosocomial Infections	
National Institutes of Health	1985-86		Analysis of Attributable Mortality Data in Nosocomial Pneumonia - Fogerty Award	
	University of Io	wa .	1986-1995	
Sponsor Cutter Biological	<b>Period</b> 3/87-3/88	Globuli	y of Pseudomonas Immune n in the Treatment of P osa Bacteremia in Compromised	\$5,000
Xoma Corporation	3/87-4/89	in the T	y of Anti-Endotoxin Antibody Treatment of Suspected Gram- Tree Sepsis	\$94,800
Veterans Administration	6/87-2/89	Evaluat Estimat	D/Validation Study of Appropriateness ion Protocol (AEP) Based Method for ing Extra Hospital Stay Related to mial Bloodstream Infections	\$ 9,705
Glaxo, Inc.	8/87-8/88		rison of Cefzolin to kime in Cardiac Surgery	\$10,000
Roerig/Pfizer	8/87-12/88	Nosoco	Susceptibility of Unique mial Bloodstream Isolates Antibiotics	\$18,095
Hoechst- Roussel Pharmaceuticals	1/88-7/88	Vitro S	of Protein Binding on In usceptibility of Unique mial Bloodstream Isolates	\$22,000
Lederle Laboratories	8/88-7/89	Antibio	rison of Beta-Lactam tics Plus Gentamycin- tream Isolates	\$8,500
Calgon Vestal Laboratories	7/87-6/90		y Study of Handwashing Calstat vs. Hibiclens	\$68,000
ER Squibb and	8/87-7/89	Attribut	table Mortality of Hospital	\$20,000

Acquired Candida septicemia

Sons

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Xoma Corporation	5/89-11/91	Efficacy of Anti-Endotoxin Antibody in the Treatment of Suspected Gram- Negative Sepsis	\$157,400
Beecham	6/89-6/90	Efficacy of Mupirocin Ointment for the Eradication of Nasal Mucosa Carriage of Staphylococcus aureus	\$53,000
Lilly Laboratories	11/89-11/90	Cilofungin in Disseminated Candidiasis: Dose Ranging Study	\$21,605
Fujisawa SmithKline Corporation	1/90-12/90	In Vitro Susceptibility of Unique Nosocomial Bloodstream Isolates to New Antibiotics	\$9,750
Hoechst- Roussell	6/90-5/91	Use of Pentoxifylline (Trental) in Patients with Amphetersin B Induced Renal Toxicity - Pilot Study	\$11,500
Pfizer	12/90-7/92	Risk Factors Associated with Nosocomial Gram-Negative Bloodstream Infections: A Case Control Study/ Development of a Predictive Mathematical Model for Nosocomial Gram-Negative Bacteremia	\$44,825
Pharmaco/ Synergen	4/91-8/92	Human Recombinant Interleukin-1 Receptor Antagonist (IL-Irs) in the Treatement of Sepsis Syndrome	\$35,936
Cutter (Miles)	4/91-1/93	Prospective, Double-Blind, Controlled, Randomized, Multi- Center Study of the Safety and Efficacy of TNF MAb for the Treatment of Patients with Sepsis Syndrome	\$237,800
Kimberly Clark	8/91-1/92	Sterile Wrap Events Study (Pilot Phase)	\$20,460
Pharmaco/ Synergen	7/92-6/93	A Study to Evaluate the Safety and Efficacy of Human Recombination Interleukin-1 Receptor Antagonist (IL-IRA) in the Treatment of Sepsis Syndrome	\$41,850
Pfizer Roerig	7/92-6/94	Epidemiology of the SIRS (Sepsis Syndrome)	\$352,110
Kimberly Clark	7/92-2/93	Sterile Wrap Study	\$62,200
Pact	7/93-6/94	Randomized, Placebo-Controlled Trial of E5 Monoclonal Antibody in Patients with Severe Sepsis	\$41,250
Kimberly Clark	8/93-6/94	Sterile Wrap Events Study	\$45,000
National	9/91-8/96	Research Training Grant	\$399,241

Institutes of Health		in Hospital Epidemiology (T-32)	
Merck	12/93-11/95	Multicenter Study to Compare the Safety, Tolerability and Immunogenicity of Three Consistency Lots of VAQTA in Healthy Adults	\$47,500
Miles	5/94-2/95	Prospective, Double-Blind, Randomized, Multicenter North American Study of the Safety and Efficacy of TNF MAb for the Treatment of Patients with Septic Shock	\$131,885
Hoffman- LaRoche	4/94-6/95	Phase II, Double-Blind, Randomized Placebo-Controlled Study to Evaluate the Safety and Efficacy of 3 Different Doses of Ro 45-2081 in the Treatment of Severe Sepsis/Septic Shock	\$47,250
Abbott	9/94-9/95	Achievement Awards Outcomes Research	\$50,000
Lederle Laboratories	9/94-9/95	SCOPE: Surveillance and Control Pathogens of Epidemiologic Importance	\$208,620
SmithKline- Beecham	9/94-9/95	A Randomized Placebo-Controlled, Double-Blind Comparative Study of Intranasal Mupirocin Ointment for Preventing <i>S aureus</i> Surgical Wound Infections	\$453,750

## 1995 - Medical College of Virginia/Virginia Commonwealth University (PI in all but one)

<b>Sponsor</b> Lederle Laboratories	<b>Period</b> 9/95-12/96	Project SCOPE: Surveillance and Control Pathogens of Epidemiologic Importance	\$150,000
Pfizer Inc.	1995- 2001	A Multi-Center Study of the Risk Factors and Outcome of Candida Bloodstream Infections in Surgical ICUs.	\$497,284
Rhone-Poulenc	1997- 2001	SCOPE: Surveillance and Control Pathogens of Epidemiologic Importance	\$205,000
Pfizer Inc	1997- 2002	SCOPE: Surveillance and Control Pathogens of Epidemiologic Importance	\$790,000
Proctor and Gamble	1997- 1998	Handwashing and Predictors of Compliance	\$74,000
Rhone-Poulenc	1998	Educational Conference - SCOPE	\$250,000
Merck	1999-2002	SCOPE: Pharmacy Component	\$300,000
Intrabiotics	1998-2000	Ramoplanin for VRE GI decolonization	\$85,000
Pharmacia and Upjohn	2000-2002	Antibiotic resistance in the community	\$400,000

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Pfizer	2002-2003	SCOPE	\$200,000
Cubist	2003	SCOPE	\$5,000
Pfizer	2003-2006	SCOPE	\$200,000
Pfizer	2006-2007	Epidemiology of CA-MRSA in families (G. Bearman – PI)	\$198,000
Gates Foundation	2007-2008	Educational award to invite 74 women from developing Countries to attend the International Society for Infectious Diseases Congress in Kuala-Lampur – June 2008 (RP Wenzel – PI)	\$250,000
VCU Partnership Award	2009 -2012	Educational Grant to Develop Lectures and International Visitors – VCU International Program in Infecton Control	\$ 25,000

# Dr. Richard Wenzel Exhibit B

Plaintiffs' Expert Report of Michael W. Buck

Plaintiffs' Expert Report of Said Elghobashi

Plaintiffs' Expert Report of William Jarvis

Plaintiffs' Expert Report of Dr. Jonathan M. Samet

Defendants' Expert Report of Theodore R. Holford, PhD

Defendants's Expert Report of Dr. Jonathan Borak, MD, DABT

Deposition Transcript and Exhibits of Mark Albrecht

Deposition Transcript and Exhibits of Scott Augustine, MD

Deposition Transcript and Exhibits of Robert Gauthier, MD

Deposition Transcript and Exhibits of Andrea Kurz, MD

Deposition Transcript and Exhibits of Paul McGovern, MD

Deposition Transcript and Exhibits of Michael Reed, MD

Deposition Transcript and Exhibits of Daniel Sessler, MD

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#### Supplemental Report Prepared for Blackwell Burke

In re Bair Hugger Forced Air Warming Devices Products Liability Litigation

On 30 August 2017, William Maisel, MD, MPH, Deputy Center Director for Science, Center for Devices and Radiological Health, U.S. Food and Drug Administration, sent a notice to health care providers (attached) titled: "Information about the Use of Forced Air Thermal Regulating Systems – Letter to Health Care Providers." In the notice, the FDA concludes "[t]herefore the FDA continues to recommend the use of thermoregulating devices (including forced air thermal regulating systems) for surgical procedures when clinically warranted."

Based on my review of the FDA notice, the FDA notice is in keeping with my June 2, 2017 report and expert opinions. I include the FDA notice as part of the materials considered for my expert opinions and on which I rely for my expert opinions. If asked at the time of trial, I will include the August 30, 2017 FDA notice as evidence supporting my expert opinions.

I certify, under penalty of perjury, that my statements in this supplemental report, dated September 7, 2017, are true and correct.

Richard P, Wenzel, MD, MSc

Dated 7 September, 2017

# Information about the Use of Forced Air Thermal Regulating Systems-Letter to Health Care Providers

August 30, 2017

Dear Health Care Provider,

The FDA is reminding health care providers that using thermoregulation devices during surgery, including forced air thermoregulating systems, have been demonstrated to result *in* less bleeding, faster recovery times, and decreased risk of infection for patients.

The FDA recently became aware that some health care providers and patients may be avoiding the use of forced air thermal regulating systems during surgical procedures due to concerns of a potential increased risk of surgical site infection (e.g., following joint replacement surgery). After a thorough review of available data, the FDA has been unable to identify a consistently reported association between the use of forced air thermal regulating systems and surgical site infection.

Therefore, the FDA continues to recommend the use of thermoregulating devices (including forced air thermal regulating systems) for surgical procedures when clinically warranted. Surgical procedures performed without the use of a thermoregulation system may cause adverse health consequences for patients during the postoperative and recovery process.

Forced air thermalregulating systems, also called forced air warmers or forced air warming systems, are devices used to regulate a patient's temperature during surgical procedures. Forced air thermal regulating systems use an electrical blower to circulate filtered, temperature controlled air through a hose into a blanket placed over or under a patient.

To determine if there is an increased risk of surgical site infection when forced air thermal regulating systems are used during surgery, the FDA collected and analyzed data available to date from several sources, including medical device reports received by the agency, information from manufacturers and hospitals, publically available medical literature, operating room guidelines, and ventilation requirements

As always, please follow the manufacturer's instructions for use in the operating room/and or the post-operative environment.

#### **FDA ACTIONS**

The FDA will continue to actively monitor this situation and will update this communication if significant new information becomes available.

#### **CONTACT US**

If you have questions about this communication, please contact CDRH's Division of Industry Communication and Education (DICE) at <a href="mailto:DICE@FDA.HHS.GOV">DICE@FDA.HHS.GOV</a> (mailto:DICE@FDA.HHS.GOV), 800-638-2041 (tel:800-638-2041), or 301-796-7100 (tel:301-796-7100).

Sincerely,
/s/
William Maisel, MD, MPH
Deputy Center Director for Science
Center for Devices and Radiological Health
U.S. Food and Drug Administration

More in <u>Letters to Health Care Providers</u>
(/MedicalDevices/Safety/LetterstoHealthCareProviders/default.htm)

# **EXHIBIT DX2**

TO DECLARATION OF MARY S. YOUNG IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE OPINIONS AND TESTIMONY OF RICHARD WENZEL, M.D.

# CASE 0:15-md-02666-JNE-DTS Doc. 874-1 Filed 10/03/17 Page 158 of 299

Confidential - Subject to Protective Order

	Page 1
1	UNITED STATES DISTRICT COURT
2	DISTRICT OF MINNESOTA
3	
4	In Re:
5	Bair Hugger Forced Air Warming
6	Products Liability Litigation
7	
8	This Document Relates To:
9	All Actions MDL No. 15-2666 (JNE/FLM)
10	
11	
12	
13	DEPOSITION OF RICHARD P. WENZEL, M.D., MSc.
14	VOLUME I, PAGES 1 - 370
15	AUGUST 4, 2017
16	
17	
18	(The following is the deposition of RICHARD
19	P. WENZEL, M.D., MSc., taken pursuant to Notice of
20	Taking Deposition, via videotape, at the Hausfeld law
21	firm, 1700 K Street Northwest, Suite 650, in the City
22	of Washington, District of Columbia, commencing at
23	approximately 9:08 o'clock a.m., August 4, 2017.)
24	
25	

	<u> </u>	
Page 2		Page 4
1 APPEARANCES: 2 On Behalf of the Plaintiffs:	1	PROCEEDINGS
3 Gabriel Assaad	2	(Witness sworn.)
KENNEDY HODGES 4 4409 Montrose Boulevard	3	RICHARD P. WENZEL, M.D., MSc.,
Suite 200 5 Houston, Texas 77006	4	Called as a witness, being first
6 Ben Gordon	5	duly sworn, was examined and
LEVIN PAPANTONIO, P.A. 7 316 S. Baylen Street	6	testified as follows:
Suite 600	7	EXAMINATION
8 Pensacola, Florida 32502 9 Genevieve M. Zimmerman	8	BY MR. ASSAAD:
MESHBESHER & SPENCE, LTD.  10 1616 Park Avenue	9	Q. Please state your name.
Minneapolis, Minnesota 55404	10	A. Richard Wenzel.
11 On Behalf of the Defendants:	11	Q. And what's your current address?
12 Corey L. Gordon	12	A. 1420 Mosquito Point Road, White Stone,
13 Peter J. Goss	13	Virginia. Home address you wanted.
BLACKWELL BURKE P.A. 14 431 South Seventh Street	14	Q. Yeah. And your business address, if you
Suite 2500	15	have one?
15 Minneapolis, Minnesota 55415 16 ALSO PRESENT:	16	A. The post office is P.O. Box 901, and again
17 Ronald M. Huber, Videographer 18 EXAMINATION INDEX	17	White Stone, Virginia, 22578, so.
WITNESS EXAMINED BY PAGE	18	Q. Are you still affiliated with Virginia
19 Dr. Wenzel Mr. Assaad 20	19	Commonwealth University?
EXHIBIT INDEX 21 EXHIBIT DESCRIPTION PAGE	20	A. Yep. I'm still teaching. I'm sort of
Wenzel	21	formally retired, but they bring us back every now and
22 1 Expert Report, Richard P. Wenzel, 79 pgs.	22	then. So I I teach.
23 2 Dr. Richard Wenzel, Exhibit B, 3	23	Q. Have you had your deposition taken before?
pgs. 24 3 Abstract, Convection Warming in the	24	A. Never.
Operating Room: Evaluation of Bacterial Spread with Three	25	Q. This is your first time?
Page 3		Page 5
1 Filtration Levels, Dirkes, et al, 1 pg. 2 4 Richard Putnam Wenzel, Curriculum Vitae	1 2 3	<ul><li>A. Yeah.</li><li>Q. Is this your first time being an expert</li></ul>
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Page 6 Page 8 Q. Do you know Michelle Stevens? A. Good. 1 1 2 Q. Today I am representing over 2700 plaintiffs 2 A. I do. in a multidistrict litigation, and my goal is to 3 Q. How do you know Michelle Stevens? understand all your opinions today and to understand A. Roughly starting in 2009. As background, I 4 5 what you are going to be testifying at trial. 5 had been invited to Mexico during the height of the 6 Do you understand that? 6 H1N1 epidemic in April of 2009. It was a fascinating 7 A. Yes, I do. 7 experience that you don't want to hear about right 8 Q. So I want a clean record, and I don't want 8 now, but about that time I recognized that the any -- if there's anything that needs to be corrected, 9 high-risk patients, this is before anybody knew it's better to correct it today because I will not 10 anything, were obese patients and pregnant patients. 10 have another opportunity -- or I may not have another and they were all about 21 years old. I made rounds 11 11 opportunity to take your deposition again. 12 in ICUs. 12 Do you understand that? I was asked by, I'm trying to think of her 13 13 14 A. I do. 14 name, Deborah Gardner from -- who's an administrator 15 Q. Okay. And also, for the court reporter, with 3M, if I'd be willing to go to four countries in 15 please wait till I finish my question before you begin 16 16 South America as part of their infection control answering even though you might know what the question 17 17 education program. And I think that that first trip I is, and I'll also wait for your answer before I ask my 18 think also involved Mexico. So that was later on in 18 next question so that we have a clean record and we 2009, and I was very excited because I got a chance to 19 19 don't upset the wonderful court reporter that's taking 20 20 go back to Mexico to get a follow-up of what I had 21 down all our words. 21 observed, and also now it was the winter in South 22 22 Do you understand that? America so they were undergoing their own beginning 23 A. Yes. 23 epidemic --24 Q. Now you've been asked to be an expert in 24 Q. I don't mean to interrupt. I don't need this case; correct? 25 that much detail. I just want to know --25 Page 9 Page 7 A. That's right. 1 A. Okay. 1 Q. Okay. And you understand as an expert you 2 Q. -- how and when you met her. 2 3 A. Okay. So that -- So basically on that trip, are to be objective; correct? A. Yes. she came on the trip and she was a pediatric 4 4 5 O. Not an advocate for either side. You 5 infectious disease, I was an adult infectious disease. 6 6 Basically I wound up giving about three lectures per understand that. 7 city in each country --7 A. I'm not an advocate. 8 8 Q. Okay. How is it that you became involved in Q. So you met her on the trip? 9 9 A. -- and visited a lot of hospitals there. this case? 10 A. Guessing roughly two and a half years ago a 10 Q. Okay. You met her on the trip. representative from Greenberg Traurig called me. 11 11 A. Yeah. Q. And who was that? 12 12 Q. Okay. In Mexico. Fair enough. A. And it was Evan Holder. 13 13 Have you --Q. Evan Holden? 14 14 Do you consult for 3M? 15 A. "Holder." "Holder," I think it is. 15 A. One time I did. Q. At what time? At what period of time? 16 Q. It's Holden. 16 17 A. Is it? Sorry about that. Been awhile. 17 A. Probably three, four years ago they asked me Q. And that was for the Walton case? 18 18 one question, if I would review a meta-analysis A. Yes, it was. 19 related to one of the drapes that they had. So 19 20 Q. And do you know how --20 unrelated to the Bair Hugger. Q. Okay. And were you paid for that? Were you referred to them by someone, or? 21 21 22 A. He told me that he had spoken to Michelle 22 A. I was. 23 Stevens and Michelle Stevens said I was an infectious 23 Q. And how much -- how much per hour were you 24 disease person and he asked me if I'd look at the paid for that? 24 25 25 records. A. Six hundred dollars an hour, and best that I

Page 10 Page 12 can remember it was about 10 hours. 1 underlines in them? 1 2 2 O. Do you still keep in touch with Michelle A. Yeah. I'm kind of a nerd and underline a 3 Hulse Stevens? 3 lot of stuff, yeah. 4 A. No, haven't. 4 Q. Okay. And many of those documents --5 5 MR. BEN GORDON: That was produced, too. O. You were issued a subpoena in this case. Do 6 you recall that? 6 That's also his. 7 A. I do. 7 Q. Oh I forgot, we have another -- we have 8 Q. Okay. And you reviewed the subpoena? 8 another thing to add to the pile so now it's over one 9 9 foot. You agree? A. I did. 10 Q. Okay. And the subpoena requested that you 10 A. Yes, I do. produce documents by June 21st, 2017. Do you recall 11 11 Q. Okay. And so those documents are documents 12 that you have highlights on, or underlines? 12 that? A. I do. 13 13 A. Yes. 14 Q. Did you produce all your documents that were 14 Q. Documents that you have notes on? responsive to the subpoena to counsel? 15 15 A. Yes. A. Yeah. I actually pulled everything, sent it Q. You actually have actually handwritten notes 16 16 17 over to counsel and they sent it on. 17 on regular paper as well? Q. Okay. What's been placed in front of you is 18 A. I think I do. I don't --18 a pile of documents that was produced to the 19 19 Q. If you look at --20 plaintiffs today in response to your subpoena that 20 There's a yellow sheet there and a couple were supposedly due to the plaintiffs on June 21st, 21 21 other sheets. 22 22 A. Yeah. 2017. 23 23 Q. Okay. You have -- You have deposition Are those the documents that you produced to 24 defense counsel in this case responsive to the 24 transcripts? 25 25 subpoena? A. I think I re --Page 11 Page 13 A. I think --Yeah. The ones that I looked at, yes. 1 1 MR. COREY GORDON: I move --2 2 Q. And you spent a lot of time on this case; 3 3 correct? THE WITNESS: Wait. Okay. 4 4 MR. COREY GORDON: -- to strike counsel's A. I did. 5 characterization and want to note for the record that 5 Q. Okay. Do you think it's fair that I get a we interposed an objection to certain of the subpoena 6 foot and a half set of documents on the day of your 6 7 requests. In the ensuing time period we have re --7 deposition to review when I only have seven hours to 8 take your deposition? revisited those objections, and even though we 9 believe that what -- that the stack of materials is 9 MR. COREY GORDON: I object to the -- would be protected, we have decided to waive that 10 question, lack of foundation. Also calls for a legal 10 and go ahead and make that available to you, which we 11 11 conclusion. 12 did today. So there -- You can now ask your 12 As I noted, we interposed an objection. question. That's not Dr. Wenzel's decision. We also made the 13 13 decision, the lawyers, to produce these in spite of BY MR. ASSAAD: 14 14 15 Q. Did you produce those documents to your 15 what we believe to be a valid objection. 16 16

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- counsel by June 21st, 2017?
  - A. Yeah. I made the deadline.
- 18 Q. And would you agree with me that the stack is about a foot high? 19
  - A. It's a foot high, yeah.

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20

- Q. Okay. And that contains all of the articles 21 22 that you reviewed?
- A. I don't know if it's all of them, but all 23 24 the ones I underlined for sure.
- 25 Q. Okay. So many of those documents have

MR. ASSAAD: Objection noted.

Q. Do you think it's fair, as a layman, that you, who spent over 300 hours on your report and reviewed all these documents, that I get a foot and a half or a foot and a quarter of documents on the day of your deposition?

MR. COREY GORDON: Object to the form of the question, lack of foundation.

- Q. You may answer.
- A. So my view was to get the documents to the

Page 14 Page 16 law offices, and after that it's their decision. waste time. We don't have a lot of time, we have a 1 2 O. I mean, do you think it'd be fair if I gave 2 huge expert report to go through that he spent 300 you a foot and a half of documents on the day of the 3 hours on. deposition and expect you to answer questions on it? 4 Q. I'm just asking if he thinks it would be 4 5 MR. COREY GORDON: Same objections. 5 fair if I gave him a foot and a half of documents on 6 Q. "Yes" or "no"? Do you think it's fair? 6 the day of his deposition to answer questions on. 7 A. Well --7 MR. COREY GORDON: My objections are the 8 8 MR. COREY GORDON: Same objections. same. 9 MR. ASSAAD: It's a simple question. It's 9 A. Again, what I would say is I met my 10 obligation to get the documents to the legal firm on 10 a simple question. 11 MR. COREY GORDON: Wait, wait. 11 time. MR. ASSAAD: I got your objection. You 12 Q. So you don't want to answer my question, is 12 said "same objection." No speaking objections. 13 13 that --Q. You may answer the question. 14 14 A. No, I mean, I think it would be -- if you 15 MR. COREY GORDON: Gabe -- Gabe, let me gave me this to read in one day, yeah, that would be 15 stop you right now. If we're going to have another 16 16 challenging. 17 episode like we did last week --17 Q. Okay. It would be challenging; correct? MR. ASSAAD: You call the judge. You can 18 18 A. Yes. 19 call the judge. You produced a foot and a half of 19 Q. Okay. I mean, from --20 documents on the day of deposition. I am happy with 20 I mean, you wouldn't expect to give one of that. You want to do that? your students a foot and a half of documents and to 21 21 22 22 (Interruption by the reporter.) answer questions on it in seven -- in seven hours; 23 MR. ASSAAD: I'm just asking if it's -- if 23 would you? 24 he would think it would be fair if I gave him a foot 24 A. No, probably not. 25 25 and a half of documents on the day of deposition. Q. Okay. Are all the documents that you Page 15 Page 17 MR. COREY GORDON: As a courtesy to the 1 produced to counsel listed in your expert report? 1 court reporter, if no one else, I am simply asking 2 2 A. I think so. 3 you, Mr. Assaad, to try to chill out a little bit and Q. Okay. You do understand that today you're wait until either Dr. Wenzel has finished his answer, 4 under oath; correct? 5 I have finished my objection before you launch into 5 A. I do. 6 whatever you want to -- want to speak about. Q. And that's under penalty of perjury; 6 7 7 MR. ASSAAD: I will give you a continuing correct? 8 objection that my line of questioning is A. That's correct. 9 objectionable. 9 Q. If you realize that anything in your report 10 MR. COREY GORDON: No. I'm not going to is incorrect or wrong, this is the time to inform us. 10 Do you understand that? 11 take a continuing objection. I will interpose 11 12 objections --12 A. I do. 13 MR. ASSAAD: Okay. 13 Q. Okay. Now it's my understanding, from reading your report, that you don't believe that 14 MR. COREY GORDON: -- as I see fit. I just 14 ask you to give me and the witness and the court infections can be caused by airborne contaminants in 15 15 reporter --16 the operating room. Is that true? 16 A. I don't think that's exactly what I said. I 17 17 MR. ASSAAD: I --18 MR. COREY GORDON: -- the courtesy of not 18 think the key element of my report is I couldn't find talking -- trying to talk over us. We -- We went evidence linking the Bair Hugger to harm, and then I 19 19

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through an unpleasant --

MR. ASSAAD: I got -- I got -- I got it,

MR. COREY GORDON: You're doing it right

MR. ASSAAD: Well Corey, you don't need to

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Corey.

now, Gabe.

went through a great deal of papers to show that I

the patient's own microbiome. I'm not sure that's

your question, but that...

think most infections, the vast majority, come from

Q. So you -- it's your opinion that most of the

infections that occur during a total knee or total hip

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arthroplasty come from the patient's own biome, 1 microbiome. 2 3 A. Yes, I do. 4 Q. Okay. And that's based on research that you 5 reviewed? 6 A. Research that I reviewed, yeah. 7 Q. Okay. And we'll get to that soon.

And when we're talking about infections during total hip/total knee arthroplasty we're talking about any type of infection, not infections that may be caused by a Bair Hugger, correct, that are caused by the human biome?

A. I'm not sure. The question again? 13

14 Q. Well before you limited to your -- your 15 opinion that the Bair Hugger doesn't cause infections. Do you recall that? 16

A. Yeah. What I said is I couldn't find 18 evidence that would link the Bair Hugger to any link 19 to infections.

20 Q. Okay. My question is: With respect to just 21 total hip and total knee, irrespective of the source of the -- or what may or may not cause the infections. 22 it's your opinion that the majority of those 23

24 infections are caused by bacteria on the patient's own 25 biome.

Page 18

1 BY MR. ASSAAD:

2 Q. What's been marked as Exhibit 1 is a copy of 3 your report. Do you agree with me that that is a 4 complete copy of your report?

Page 20

Page 21

A. It looks like it.

Q. Okay. And have you had a chance to review your report before today's deposition?

A. Yes, I have.

9 Q. Okay. You've reread your entire report before today's deposition? 10

A. I have.

Q. Okay. And you --

Is there anything that you want to change in 13 14 your report before we begin?

A. I don't think so, but we'll see.

Q. Sitting today, these are your complete opinions and all of the sources that you rely upon to formulate your opinions as of June 2nd, 2017 when you submitted this report.

A. Are there other articles out there, are you 20 21 asking, --

22 Q. No.

23 A. -- that I might have thought about since

24 then, or?

25 Q. Well I'm asking about articles and

Page 19

1 literature that you rely upon.

A. Yeah.

3 Q. And that you've cited and have reviewed to 4 support your opinions in your report. They're all 5 contained in this report of Exhibit 1; correct? 6

A. Either here or the materials that I sent to you, yeah.

Q. Okay.

MR. COREY GORDON: And I want -- so you can ask him about it, I want you to know we are going to ask him to offer an opinion of the valid -- the validity of the recently published Scott Augustine thing.

MR. ASSAAD: I understand that, but I think before I'm going to ask him any questions on that he should file a supplemental report so I can prepare. and to prepare what his opinions are going to be and we can come back and take his deposition.

MR. COREY GORDON: So will you agree to that with your experts as well, who've rendered -who've supplemented their opinions based on the newly published Augustine whatever it is?

MR. ASSAAD: We'll you've already asked them questions on it, but I will consider it.

BY MR. ASSAAD:

1 A. I do, yes.

> Q. Okay. Is it my understanding that the majority of the time you spent on formulating your opinions was doing a literature review?

5 A. Yes.

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6 O. Okay. You didn't do any biological testing: 7 correct?

A. That's correct.

9 Q. You looked at no internal 3M documents; 10 correct?

11 A. That's correct.

Q. Okay. You didn't do any particle testing; 12 13 correct?

14 A. That's correct.

Q. Okay. In fact you haven't -- you didn't do 15 16 any type of original testing.

A. Not related to this case.

18 Q. Okay. Your report is largely a recitation and cri -- of critiques of various peer-reviewed 19 20 studies: correct?

A. It's my review of the peer-reviewed studies, 21 and my conclusions based on the data that I saw and my 22 23 interpretation of the data.

(Wenzel Exhibit 1 marked for

25 identification.)

Page 22 Page 24 Q. Now let's turn to page 73 of your report. 1 A. I did say the word "wanting" and again --1 2 Q. What does "wanting" mean to you? 2 You noted on the bottom of page 73, on the third paragraph from the bottom, "Dr. Jarvis' deposition is 3 MR. COREY GORDON: Gabe, let him finish his superficial and wanting." 4 answer. You're going to -- You're starting it again. 5 5 Do you see that? A. Well again, I thought it was very 6 A. I do. 6 uncritical. You want me to tell you why about both of 7 these people? Q. Okay. What deposition did you read by June 7 8 8 Q. No. So you thought it was uncritical and 2nd, 2017? 9 A. I -- I read his deposition. Is that what 9 wanting, but you didn't have a chance to read his you're asking me? 10 deposition by that date; correct? 10 A. No. This -- I should have said --Q. You signed this on June 2nd, 2017; correct? 11 11 Next page, sir. 12 O. Okav. 12 A. Yeah. No, I see that. 13 A. -- his report. A mistake. 13 14 Q. Okay. What deposition did you have of Dr. 14 Q. Okay. Another mistake; correct? Jarvis that you want to criticize him as being 15 A. Yes. 15 superficial and wanting? 16 Q. Okay. So now you agree that there are 16 mistakes in your report. 17 A. Yeah, I don't know why the days don't match. 17 A. In terms of those words, yes. 18 Q. Well did you not check your report to see if 18 Q. Okay. And there may be some others that it was accurate? 19 19 we'll point out later on. 20 A. I did. 20 21 Q. Okay. Do you agree with me that this is not 21 A. Don't know. 22 MR. COREY GORDON: Object to the form of 22 accurate? 23 23 A. Well I agree that I have the 2nd written the question, move to strike. Q. Now do you agree that all the articles that 24 down there, and I don't know why -- I did read Dr. 24 Jarvis's deposition, and I thought it was at the time 25 you cited are authoritative? Page 23 Page 25 that I did this report. 1 MR. COREY GORDON: Object to the form of 1 Q. Well, sir, for the -- his deposition was 2 2 the question. 3 3 after June 2nd, 2017. Q. In your report of Exhibit 1? A. If I cited them they gave some insight, I 4 4 A. When was his deposition? 5 MS. ZIMMERMAN: Last Tuesday. 5 think, in ter --6 Q. Last Tuesday. Q. So you'd rely --6 A. Oh, that's probably his report, then, that 7 A. Huh? 7 I'm talking about, if that's true. 8 Q. So you'd rely on -- on the articles that you 9 Q. So you're saying this is not accurate. 9 cited. A. I'm saying that I should have had the word 10 MR. COREY GORDON: Object to --10 A. Some much more than others. "report" there. 11 11 Q. Instead of "deposition"?A. Instead of "deposition." 12 12 THE WITNESS: I'm sorry. 13 13 MR. COREY GORDON: Object to the form of Q. Okay. So you agree that's a mistaken your 14 14 15 MR. ASSAAD: Basis? 15 report. A. I agree and apologize. MR. COREY GORDON: "Reliance" is a legal 16 16 term, and if you want to ask him what he, as a 17 Q. Okay. And so you want to criticize Dr. 17 18 Jarvis to say that his -- that his opinions are 18 scientist, was doing, that's fine. But you're -superficial and wanting before you even had a chance you're -- you're trying to, you know, as you just 19 19 to read his deposition? 20 did, try to --20 A. I saw it based on his report. 21 21 MR. ASSAAD: I got your objection. Q. Okay. Page 74, third paragraph. You 22 22 MR. COREY GORDON: -- impose a legal term. 23 indicate that "Dr. Samet's deposition is uncritical 23 MR. ASSAAD: I got your objection. and wanting." It seems like you like the word 24 Q. Do you know what the term "rely" means? "wanting"; correct? 25 A. In legal terms, no.

Page 26 Page 28 Q. How about in scientific terms? 1 Q. Did you rely on them in formulating your 1 2 2 A. Yeah. Scientific terms I would say, yeah, opinions? it's credible evidence. 3 A. Some of them I didn't actually use in my Q. Okay. And do you know what "authoritative" 4 4 report. 5 means? 5 O. That wasn't my question, sir. 6 A. Usually by someone who's thought to be 6 Did you rely -- Did you rely on them in 7 7 reputable. formulating your opinions, whether or not you cited 8 8 Q. Okay. And you understand when I refer -- if them in your report? I ask you if an article is authoritative? 9 MR. COREY GORDON: Same objections. 10 A. Yeah. You might want to -- I would probably 10 A. Yeah, for the most part I think that's true. want to add some weight to that or not, some more Q. The answer to my question is "yes." 11 11 weighty than others in terms of the force of the data A. Yes. 12 12 Q. Okay. Going to Exhibit B, it seems like you 13 available. 13 14 14 received the report of -- the expert report of Michael Q. It's my understanding that you have cited, I mean, last time I counted, between -- in your -- in 15 Buck. Do you see that? 15 A. Where is that? your report, like, over 90 articles in your -- in your 16 16 Q. First line. 17 expert report; correct? 17 MR. COREY GORDON: Objection, --18 18 A. Yeah. 19 19 A. I don't know. Q. But you offer no criticisms in your report 20 MR. COREY GORDON: -- lack of foundation. 20 of Michael Buck; correct? A. I don't know how many there were. There 21 A. No. I didn't spend much time on that, no. 21 22 O. So the answer to my question is you didn't 22 were a lot. offer any criticisms of Michael Buck in your report; 23 23 Q. You've read your report; correct? 24 A. I have. 24 correct? 25 25 A. I did not. That's correct. Q. And there are many -- you cite to many Page 27 Page 29 different articles; correct? Q. Okay. You also looked at the report of Dr. 1 1 2 Said Elghobashi; correct? 2 A. I do. 3 A. Yes. 3 Q. And it's my understanding that you read those articles completely; correct? 4 4 Q. In your report you didn't offer any 5 5 A. If I cited it, I read those articles. criticisms of Dr. Elghobashi in your report; correct? Q. You didn't just read the abstract. 6 6 A. That's true. 7 A. I did not read just the abstract. 7 Q. Did you even understand his report? 8 8 Q. Okay. A. It was way over my head. 9 (Wenzel Exhibit 2 marked for 9 Q. Okay. I understand that you criticize Dr. 10 Jarvis as being -- I'd like to use the words you identification.) 10 used -- "superficial and wanting"; correct? 11 11 BY MR. ASSAAD: 12 Q. What's been marked as Exhibit 2 is a list of 12 A. That's correct. 13 articles that -- and documents that you considered or 13 Q. Okay. And you also criticized Dr. Jonathan Samet in your report as being "wanting" as well; 14 reviewed; is that correct? 14 15 A. That's correct. 15 correct? 16 Q. But they may not be cited in your report; 16 A. That's correct. 17 Q. Did you have any criticism of Dr. Holford's 17 correct? 18 18 report? A. I think that's true. Q. Okay. Do you consider all of the articles A. No. 19 19 20 in Exhibit 2 to be authoritative? 20 Q. Why not? MR. COREY GORDON: Object to the form of MR. COREY GORDON: Object to the form of 21 21 22 the question. 22 the question. 23 A. I don't know if they're authoritative. 23 A. I thought he was helpful, actually. 24 They're -- They're articles I read related to the 24 Q. Have you read his --25 (Interruption by the reporter.) 25 case.

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Q. Did you rely on his opinions in formulating 1 2 your opinions?

A. In -- In part, where he talked about the changing rates, for example, over time during the Bair Hugger period, when he showed the high rates at that hospital compared to the rest of the U.K. hospitals in the same trust. There were a couple of things like that that made me even more skeptical of the articles that were focusing on --

- Q. You're talking about the McGovern article.
- A. McGovern article.

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Q. So would you agree -- would you defer to Dr. 12 13 Holford with respect to his analysis of the McGovern 14 article?

MR. COREY GORDON: Object to the form of the question.

- A. No, I don't think I would defer to him at all. I think I have my own opinion. 18
- Q. Okay. But you relied on some of the 19 20 information you obtained from his report in formulating your opinions. 21
- A. A little bit of that, yes. 22
- 23 Q. Okay. With respect to Dr. Borak, do you 24 have any criticism of his report?
- 25 A. No. I thought he did a good job.

Page 30 Page 32 1 literature review to -- for your understanding of

- hypothermia as related to surgical-site infections.
  - A. Well with the background in infectious diseases and interest in hospital-acquired infections. If that's part of the mix, yes.
  - Q. Well you graduated from medical school in 1965; correct?
  - A. That's correct.
- 9 Q. And a lot of the research regarding the 10 effects of hypothermia on -- and its effect on surgical-site infections was much after 1965. Do you 11 12 agree?
  - A. No question. Yes.
  - Q. Okay. So a lot of the --

I mean, you have done no research on that issue independently; correct?

- A. That's correct.
- 18 Q. Okay. And you've done no studies on that; 19 correct?
  - A. No studies.
- 21 Q. Okay. So you agree that most of the
- 22 information that you've obtained was through
- 23 peer-reviewed articles that other people have done in
- 24 the area; correct? 25
- A. That's correct.

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- Q. Okay. Did you rely on any information in 1 Dr. Borak to formulate your opinions? 2
  - A. Yes. I -- In his report -- I want to make sure I don't mix up his report with his deposition. I think -- Yeah. His -- His focus on the rivaroxaban issue, I -- I thought was very helpful, added to what I thought was going on.
- Q. Okay. So did you rely on information in his report to formulate your opinions, some of your opinions? 10
  - A. Perhaps.
  - Q. Is that a "yes" or a "no"?
- A. Yeah, I think it's a yes, but I -- you know, 13 I can't exactly remember what parts. 14
- 15 Q. You don't consider yourself an expert in 16 hypothermia; do you?

MR. COREY GORDON: Object to the form of the question.

- A. No, in the sense that where hypothermia inter -- interfaces with infectious disease I think I know a lot, yes.
- Q. What research have you done with hypothermia?
- 24 A. I've done no direct research with it.
  - Q. So you're just basically relying on

- Q. Okay. And you'd agree with me that the two leading people dealing with the effects of hypothermia 3 in the world are Dr. Andrea Kurz and Dr. Daniel 4 Sessler; correct?
  - A. Yes.
  - Q. Okay. So you would defer to them with respect to the effects of hypothermia on surgical-site infections; correct?
    - A. I don't know --

10 MR. COREY GORDON: Object to the form of 11 the question.

- A. -- if I'd defer to them, no.
- Q. So you wouldn't defer to a doctor that has spent their entire life doing research on an issue, that -- that has published tens of articles on that issue, has given talks around the world on that issue, and continues to do research on that issue, you wouldn't defer to them on issues of hypothermia?

MR. COREY GORDON: Object to the form of the question.

- A. What I would do is look at what they have 21 written and see if that comports with all the other 22
- 23 data that are out there, and look at their articles
- themselves so I would formulate an opinion. I'm not 24
- 25 intimidated by the whole raft of research that someone

9 (Pages 30 to 33)

Page 33

Page 34 Page 36 else has done to say I'm not going to have a thought 1 that that came out of the box of materials. 1 2 on it. 2 MR. ASSAAD: I was about to say that. 3 Q. So you wouldn't defer to Dr. Sessler or Dr. 3 MR. COREY GORDON: That's fine. Kurz with respect to hypothermia and surgical-site 4 4 BY MR. ASSAAD: 5 5 infections. O. Exhibit 3 came out of the documents that 6 A. Not necessarily. I'd like to know exactly 6 were produced today; correct, doctor? 7 what you're getting at so I can comment on it. A. I think that's right, yes. 7 8 Q. Well who else out there has done research 8 Q. Okay. Where'd you obtain that document with respect to hypothermia and the incident of 9 from? surgical-site infections? 10 A. This one I think I got from counsel, but I'm 10 A. Well I looked at two clinical trials, I 11 11 not sure. 12 cited those both in my report. And Melling was the Q. So is that the only document of Exhibit 3 12 second one after Kurz. I cited Madrid's recent 13 13 that you obtained from counsel? meta-analysis. There's also an earlier meta-analysis, 14 14 A. No. I cited the author, and -- and that came in a 15 O. What other document --15 publication in AORN, Eileen Scott's. I cited six A. Are there other documents, you mean, that 16 16 17 cohort studies of people who've done work in 17 they may have sent to me to read? hypothermia. I cited a case-control study about 18 18 Q. Yes. A. Is that what you're asking? hypothermia and infections. I cited eight studies 19 19 looking for anything that the Bair Hugger may have 20 20 Q. Well Is that -- Let me rephrase. 21 done in terms of colony-forming units, which would be 21 Is that the only internal document, like maybe a step in the pathway of infections. 22 non-peer-reviewed literature that you received from 22 Q. Sir, I'm not -- I'm not talking about Bair 23 23 counsel? 24 Hugger. I'm talking about hypothermia and the 24 MR. COREY GORDON: Object to the form of incidence of SSI. 25 the question. Page 35 Page 37 A. Yeah. And I've cited the -- well SSI --1 A. Not sure, but probably. 1 2 2 Q. Okay. So you didn't receive any internal Yeah. 3 3 testing of the Bair Hugger from 3M? So I think I've given you a -- a number of 4 4 papers to look at that. A. No. Q. Okay. You've never spoken on the issue of 5 5 Q. You didn't receive any -hypothermia and effects of surgical-site infections; Did you receive any of the computational 6 6 7 fluid dynamics studies that were done internally by 7 correct? 8 A. I've spoken on surgical-site infections 8 3M? where I've cited work on hypothermia, but I haven't 9 A. No. just given a talk just hypothermia. 10 Q. Did you receive any of the schlieren studies 10 Q. Okay. Have you read the deposition of Dr. 11 that were done internally by 3M? 11 12 12 A. No. Sessler? 13 A. Yeah. I don't remember that very well, but 13 Q. Did you see --14 Did you get any of the calculations done 14 yeah. 15 Q. Do you remember the deposition of Andrea 15 with respect to whether or not the Bair Hugger disrupts unidirectional flow that was done internally 16 Kurz? 16 17 by 3M? 17 A. I do. 18 Q. Okay. And you read that one? 18 A. No. A. Yes. MR. COREY GORDON: Object to the form of 19 19 20 20 O. Okav. the question. MR. ASSAAD: Mark this as Exhibit 3. 21 21 MR. ASSAAD: Basis? 22 22 (Wenzel Exhibit 3 marked for MR. COREY GORDON: Assumes facts not in 23 23 evidence, and -- and the predicate of the question is identification.) 24 MR. ASSAAD: I don't have a copy for you. 24 actually contrary to evidence. 25 MR. COREY GORDON: That's fine. Just note 25 MR. ASSAAD: Okay.

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- Q. Did you receive any of the -- Strike that. 1 2 Did you see the computational fluid dynamic 3 videos perfor -- prepared by Dr. Elghobashi? 4
  - A. Was that a Science Day? I can't remember --
  - O. No.

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- A. -- whether he had one. Then I probably didn't see it.
- Q. Did you see the videos prepared by Dr. Abraham?
- A. I think he had that at Science Day. That's all I saw, yes.
- Q. Okay. But my understanding is because your opinion is that most of the infections that cau -most of the bacteria that causes surgical-site infections is on the patient's flora, that airflow in the operating room is -- is not that -- is not as important as other areas with respect to infection.

MR. COREY GORDON: Object to the form of the question.

- A. What I would say is that if you're looking for the reservoir of the organisms causing surgical-site infections, my opinion is that they come from the patient the vast majority of time.
- Q. When you say "vast majority," can you give me a percentage?

significant risk of surgical-site infection.

MR. COREY GORDON: Object to the form of the question.

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- A. Well I'm not sure what you mean by "significant risk," but I think -- I mean, I belie --I'm interested in infection control, no question, and I would love the air to be as clean as possible. And the question really gets to the heart of this is does air influence the infections or the infection rate, and it's hard to find a lot of data to support that.
  - Q. Well --
- A. I -- I don't want to say it's a total impossibility. I'm one of those guys, you'll ask me a lot of questions, I won't say "never" or "always."
- Q. Well let's do it this way to make things easier. I'm asking for your opinion within a reasonable degree of medical probability. Okay?
  - A. Umm-hmm.
- Q. I'm not asking for a hundred percent certainty.
  - A. Yeah.
- 22 O. You understand that?
- 23 A. Yeah.
- 24 Q. So it's my understanding that your opinion

25 is that the mo -- that -- that more likely than not

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- A. Well in my report I've said somewhere 1 between 70 and 90 just based on the data that we have 2 3 already.
  - Q. Okay. And that is because, based on your opinion that if a surgical-site infection occurs that it's -- it's most likely patient flora and not from airborne contamination.

MR. COREY GORDON: Object to the form of the question.

A. It's based on my opinion, which is based on review of the literature that looks at the microbiome and the influence of the microbiome on the organisms causing surgical-site infections.

Is that clear, or let me know if you --

- 15 Q. Well no. I'm just trying to understand your opinion --16
  - A. Yeah.
  - Q. -- and just to sum it up.
- 19
- 20 O. Your opinion is that the most likely cause of a surgical-site infection is the pla -- the 21 patient's flora. 22
  - A. Yes.
- 24 Q. Okay. And you don't believe that the -that the air quality of an operating room causes a

the air quality in an operating room does not cause a significant risk in surgical-site infections.

MR. COREY GORDON: Object to the form of the question.

A. I don't know that I would phrase it that way.

What I would say is most -- the origin, in other words, the reservoir of the organisms causing surgical-site infections is the vast majority are going to be in the patient, they're endogenous, in my opinion. I -- You know, I want the air to be as pure as possible. I think there's always a possibility that air is involved in surgical-site infections. I

- 13 14 think the information that we'd love to have to answer
- your question is -- is still not out there clear. And 15
- 16 the reason, in part, if you want to look at laminar
- airflow. So right after the Lidwell's really 17
- 18 interesting study, you know, heart and lung, number of
- patients, 8,000 patients, randomized, you know, a lot 19
- 20 of hospitals began to then rely on laminar airflow.
- 21 So what happened then? So you had Brandt's study, you
- know, the total review, and then you had Gastmeier's 22
- review, and then you had a review by Hooper for the 23
- 24 New Zealand and the follow-up New Zealand; four cohort
- 25 studies, 300,000 patients, and what they found

11 (Pages 38 to 41)

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actually was the infection rates were a little higher if you had laminar airflow.

Follow that up. More recently Bischoff has done a big meta-analysis published in Lancet, and what he showed was in fact with 14 studies, hips and knees, there is no real improvement when you add all those data as well from the meta --

- Q. Can I ask you a question real quick?
- A. Hmm?
- 10 Q. Can I ask you a question real quick?
- A. Yeah. 11

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- 12 Q. What percentage of hospitals in the United States use laminar airflow? 13
- A. I don't know what the answer is. I don't 14 15 think it's the majority.
- Q. I mean, have you ever been in an operating 16 room in the United States that has laminar airflow? 17
- 18 A. Don't think so.
  - O. Do you know what laminar airflow is?
- A. Unidirectional filtered air. 20
- 21 Q. That's your understanding of laminar 22 airflow?
- 23 A. Yeah. I'm not an expert in laminar.
- 24 Q. Okay. So when you read studies that discuss
- laminar airflow and turbulent airflow, --

you're going to criticize articles and use it to formulate your opinions that you should have -especially discussing laminar flow and turbulent flow, you should have a good understanding of what the difference is. Don't you agree?

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MR. COREY GORDON: Object to the form of the question.

Q. Don't you agree, doctor?

A. I'd love to know more about laminar flow, 10 but I've -- I've cited 300,000-plus patients who undergo laminar flow, and then I've cited a 11 12 meta-analysis recently.

Q. But would it make any difference if 99 percent of the hospitals in the United States don't use laminar flow?

MR. COREY GORDON: Object to the form of 16 17 the question.

- A. I don't even understand that question. 18
  - Q. Well you --

20 Do you know what percentage of hospitals in 21 the United States use laminar flow?

- 22 A. No, I don't. I thought it was a minority.
- 23 Q. Do you think if air comes from the ceiling 24 that it's laminar flow?
  - MR. COREY GORDON: Object to the form --

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A. Yeah.

2 Q. -- do you -- don't you think it's important to understand the difference?

- 4 A. Yeah.
- 5 Q. Okay.
- 6 A. I think I do.
- 7 Q. So what --

So your difference is one is unidirectional, and the --

And what's "turbulent" then?

- A. Turbulent is where there's no effort to sort of compartmentalize the air either from the side or from the top that laminar flow is trying to push down the particles or -- in one way or another.
- Q. So what's turbulent, then? Where is the air coming from?
- A. Turbulent they don't have that. The air is ambient air coming through a filter that's in the operating room.
- 20 O. But where are the -- where is -- where is 21 the vents?

22 MR. COREY GORDON: Objection, lack of 23 foundation.

- 24 A. I don't know.
- Q. I mean, doctor, you agree with me that if 25

1 A. No, not necessarily.

2 MR. COREY GORDON: -- of the question, lack 3 of foundation.

Q. Okay. So why would you compare laminar flow to turbulent flow in a case in the United States of America where most of the patients are in turbulent

airflow operating rooms in your report, if it's completely irrelevant?

MR. COREY GORDON: Object to the form of 10 the question. 11

A. No. You asked -- You asked me a question about the importance of air, and then I went back to say -- and you said, is it not important or important, something along that line. Then I went back to talk about Lidwell's study that stimulated the really international push for laminar flow, and --

Q. I understand the studies.

MR. ASSAAD: I'm not asking for him to describe the studies, Corey. We're going to have a long day, we're going to --

MR. COREY GORDON: No. Let's make short-circuit. Are you prepared to stipulate that studies on laminar airflow are irrelevant to this case?

MR. ASSAAD: No. No. But when it comes to

Page 46 Page 48 infection -- I'm just ask -- I'm trying to see if Q. Okay. Don't you think the velocity of air 1 has a lot to do with how air flows in an operating understands what laminar flow is. 2 3 MR. COREY GORDON: Okay. Well you've asked 3 room? 4 him that. 4 A. May well, --5 MR. ASSAAD: Well he's --5 MR. COREY GORDON: Object to the form of 6 BY MR. ASSAAD: 6 the question. 7 Q. You're criticizing laminar flow as compared 7 A. -- but I don't know. 8 to turbulent flow. 8 Q. You would defer to an engineer; correct? 9 A. Yeah. 9 A. About velocity, yes. O. About airflow in an operating room; --10 Q. You do understand we're in the United States 10 of America and this case is here; correct? 11 11 A. Yes. 12 A. Pardon me? 12 Q. -- correct? Q. The case is here in the United States of 13 A. Yes. 13 14 America. 14 Q. You'd defer to a -- someone that's a --15 A. Yes, they are. 15 that's an expert in fluid dynamics; correct? 16 Q. Okay. MR. COREY GORDON: Object to the form of 16 17 A. Yeah. 17 the question. 18 Q. And if you're looking at infection rates A. Fluid dynamics to talk about air, you mean? 18 with respect to what happens in the United States, if 19 19 the majority of the United States operating rooms do 20 20 A. Yeah, I'll talk about the clinical studies, 21 not -- do not contain laminar flow, then the issue 21 and they can talk about the basic science of airflow, between laminar and turbulent is irrelevant; correct? 22 22 absolutely. 23 A. Well --23 Q. Are you familiar with Memarzadeh? 24 MR. COREY GORDON: Object to the form of 24 A. With what? the question, also lack of foundation. 25 O. Memarzadeh? Page 47 Page 49 A. You know, I'm trying to respond to the 1 MR. COREY GORDON: Object to the form of 1 question of how important air is, and -the question. 2 3 3 Q. Do you know who he is? Q. I'm talking about laminar and turbulent, 4 4 A. I don't think so. sir, --5 A. No, I understa --5 O. Okav. 6 Q. -- I'm not talking about --6 MR. ASSAAD: What was the basis? A. No. I understand. 7 7 MR. COREY GORDON: Memarzadeh? I mean, if 8 8 So what I'm saying is if you want to look at you want to ask him about a specific study or -- I the difference, laminar flow clearly has been shown to 9 mean, there are proba -decrease particles. And the question is does 10 MR. ASSAAD: Who he is. Who he is. 10 decreased particles really relate to the endpoint 11 MR. COREY GORDON: You know, Gabe, I'll bet 11 surgical-site infections. So I've cited data from 12 12 four large cohorts, over 300,000 patients, and then an Q. Do you know who Darouiche is? Do you know 13 13 additional 14 patients in a meta-analysis by Bischoff, 14 who Darouiche is? MR. COREY GORDON: I'll bet there's several and an accompanying editorial by Weinstein that talks 15 15 16 about you don't need laminar flow. So that's --16 hundred people in the United States whose last name 17 is Memarzadeh. that's a lot of data. 17 18 Q. Do you know what the velocity of air is in a 18 MR. ASSAAD: Okay Corey, great. Q. Do you know who Darouiche is? laminar flow system in Australia? 19 19 20 A. I don't know what the velocity is in 20 A. I do. Q. How many Darouiches are there in the United 21 21 Australia. States, do you think? Q. In the United Kingdom? 22 22 23 23 A. I have no idea. 24 Q. Do you know what it is in New Zealand? 24 Q. Okay. But you know the Darouiche I'd be 25 A. No. talking about in this case; correct?

Page 50 Page 52 A. Yes. 1 the question. 1 2 A. -- I don't know if it's a mistake. I wish 2 O. Okay. You mentioned particles in an earlier answer. Do you agree that particles can carry 3 they were there to help you. Q. Okay. The bibliography sometimes your name bacteria? 4 5 5 is first and sometimes it's last or in the middle. A. Yes, some of them can. Q. What do you mean by "some of them"? 6 6 What does that mean with respect to published papers? A. If you're the first author it's you're the 7 A. I think the -- I've seen sort of percentages 7 8 vary, plus or minus 40 percent or something like that. 8 one who really did the work, you were at the front 9 Q. What percentages carry parti -line doing the work and should get the credit as the 10 In an operating room, what percentage of the 10 first author. If you're the last author you're particles carry bacteria? 11 usually the person -- the senior member of the team, 11 MR. COREY GORDON: Object to the form of 12 helped design the study and helped perhaps with the 12 the question. 13 13 protocol. A. Well I don't know, but I'm giving you what 14 14 Q. Okay. And you have text books, and I've seen printed in the literature, 40 percent. journal/book section editor, books for general 15 15 Q. Forty percent of the particles in an readership, and monographs. What are the difference 16 16 17 operating room carry bacteria? 17 between them? MR. COREY GORDON: Object to the form of 18 A. Okay. So under the papers, these are --18 tend to be peer-reviewed articles published in 19 the question. 19 20 A. Forty percent of particles can carry 20 journals. bacteria. I don't know how well that's been studied 21 Q. Umm-hmm. 21 A. Monographs are sometimes just someone might in an operating room by itself, but I'm happy to talk 22 22 23 about particles. 23 say, would you give us a review of something like 24 Q. Well, so -- Do you have a --24 surgical-site infections, for example, and you put 25 Do you have a citation for that? 25 together a brief sort of report that's not peer Page 51 Page 53 A. No, I don't. reviewed. It might be for a meeting, for example. 1 1 2 2 If you're asking me about the --Q. Okay. 3 3 (Wenzel Exhibit 4 marked for What's the other thing you asked about, I 4 identification.) 4 guess books or something like that --5 5 BY MR. ASSAAD: Q. Yeah. 6 A. -- I wrote? Yeah, I've written -- published 6 Q. Exhibit 4 is a copy of your curriculum vitae. Is this the most up to date copy of your already one novel and one non-fiction book, and that's 7 7 8 8 curriculum vitae? totally separate from the science side. Q. I think I said "textbooks." I think you 9 A. I think so. 9 10 O. Are you board certified in infectious 10 have eight textbooks here. A. Oh, I'm sorry. Textbooks. What are 11 disease? 11 12 A. I'm board certified in infectious disease 12 textbooks? and internal medicine. 13 13 Q. No. I mean, what's the difference between a textbook and a monograph? 14 Q. Okay. I don't want to spend too much time, 14 but please help me out here. I want to go to your 15 A. Oh a monograph is usually a very brief sort 15 16 publications --16 of summary on a particular topic. Q. Can a monograph be authoritative? 17 17 A. Sure. 18 Q. -- which I believe starts on page -- under 18 A. Less steps than a textbook. Textbooks your Bibliography. There's no page numbers. I'm should be highly referenced in general, so. 19 19 20 20 Q. So the "Handbook on Hospital Acquired sorry. Infections," you're the author of that; correct? 21 A. Yeah, there should be. I'm sorry. 21 22 22 A. That's correct. Q. Well that's what was provided to me. 23 Is that another mistake? 23 Q. Published in 1981; correct? 24 A. Well --24 A. Yes. 25 25 O. You could --MR. COREY GORDON: Object to the form of

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A. What pa -- Well let me just -- I'll go try 1 2 to find. 3 Q. It's under "BIBLIOGRAPHY." 4 A. Yeah. Yeah, go ahead. 5 Q. Are you there?

A. Yeah. Thanks. Q. Do you consider that book authoritative?

7 8 A. Yes.

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Q. Okay. Do you consider all your writings authoritative?

A. Well I'm biased, but of course I think I do.

12 Q. Okay. Were you --

13 Did you write that whole book or were you just the editor? 14

A. No, I'm the editor. When you see all of these basically I'm the editor, and may have written one or more chapters.

Q. But as the editor you -- you review everything in the book?

A. Yeah, unfortunately.

21 Q. And you agree with everything that's in the 22 -- in the -- in --

23 A. I don't know if I'd agree with everything,

24 but at the time that the articles came across I 25 thought they were reasonable.

responsible and not put out harmful products into -into the market; correct? 3 A. Well I'm an infection control person. I 4

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Page 57

don't want any harmful products.

Q. Okay. And in fact, you know, you are an infectious disease person and you would understand that a joint infection is a very serious infection.

A. I've seen a number of patients with prosthetic joint infections. Taking care of them, 10 it's a big deal; they suffer physically, emotionally, sometimes financially. They often have miserable 11 12 follow-up with repeated INDs, incision drainage. They often have a spacer put in, so then -- then they have 13

14 the prosthesis taken out and put in. So I feel very 15 sorry for those patients, no question.

Q. And some of them die.

17 A. Occasionally die.

18 Q. I mean, it's not like an infection, you 19

know, like strep or something that my kid gets.

A. Strep can kill you, by the way. I don't 20 21 want to trivialize --

22 O. I understand that.

23 A. -- you or your child.

24 Q. But, I mean, much more money is spent on,

you know, fixing a joint infection than -- than strep

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Q. What do you mean by "reasonable"?

2 A. That they summed up the literature

accurately. If you ask me to go back, for example, to a 1981 publication, do I still believe that? I may not agree with that.

O. Science advances over time; correct?

7 A. No, I'm with you.

Q. Otherwise we'd be stuck in the stone age; correct?

10 A. I'm with you.

> Q. Okay. And -- And even though something might be appropriate at the time, some sort of procedure or medication, later on you might find out that it's -- could be harmful to the patient; correct?

A. Sometimes that happens, yes.

Q. Okay. I mean, it happens with many products in the world. I mean, we have recalls; correct?

MR. COREY GORDON: Object to the form of the question.

20 A. Yeah, we do have recalls, meaning -- that's where I guess the government, you mean, gets involved, 21 22 or the FDA.

Q. Or it could be a voluntary recall; correct?

24 A. Yes, it could be. That's right.

Q. I mean, you expect corporations to be

1 in the United States.

> A. Joint infections are somewhere between 50 and \$90,000 a case is what it's been estimated at. Strep throat, a lot less.

Q. I mean, you agree with me that a joint infection is probably one of the worst infections a person can get in their lifetime.

A. Well there are a lot of bad things you can get out there, but it's on my list, and I would pre -you know, I would put it on your list as a -- if I were consulting with you. I'd say, you don't want this one either. You don't want Ebola, you know, you don't want Zika, you don't want the horrible flesh-eating strep, and you don't want a hip infection after a prosthetic joint.

Q. And therefore you would agree that doing everything possible to eliminate joint infections should be done.

MR. COREY GORDON: Object to the form of the question.

A. I'm an infection control person. I would love to minimize the risk as much as possible.

Q. For example, if you found out that there was a device in the operating room that was contaminating the sterile field, you wouldn't want that device in

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the operating room unless it was absolutely necessary;

correct?

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- A. Well you're going to get to the Bair Hugger I'm sure with that question, but, I mean, I would want as few organisms around as possible, but I would say as an epidemiologist does that itself link directly to infections, and so I would want to know that.
- Q. Well safety is paramount; correct? MR. COREY GORDON: Object to the form of the question.
- A. Safety -- Safety is very important paramount, sure.
- Q. I'm not talking about the Bair Hugger, I'm just talking about in general. I mean I hope, as a doctor, if you find out that the device is unsafe and causes harm to a patient, you wouldn't use it; correct?
- A. Given those statistics I would not want to 18 19 use it.
  - Q. Okay. And you would agree with me as a doctor that's maybe performing total hip or total knee arthroplasties, that you want to do everything you can to prevent a joint infection because you know how severe a joint infection is.

MR. COREY GORDON: Object to the form of

- 1 try to irradiate the table, as an example. I'd say,
- you know, that may be overkill. That table has never

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- 3 been linked to an infection. You know, recently
- 4 there's some studies that looked at using
- bioluminescence, for example, and the -- this -- the
- 6 tray that you put the instruments on, that's not
- 7 totally sterile. It should be. But if that's not
- 8 linked to an infection would I want to get rid of the 9 tray, is that what you're saying?
  - Q. Then you need to really listen to my question, sir.
    - A. Okay. I'll try to.
  - Q. Let me read my --
    - A. Yeah.
- 15 O. I said -- I said contaminated and increases the risk of infection. 16
  - A. If you say both, yes.
- 18 Q. Okay. That's exactly what I said.
  - A. Okay. I was -- I didn't --
- 20 Q. Let me read the question again.
  - A. Yeah. Go ahead. I didn't hear that first I guess.
- 23 Q. You wouldn't advise keeping a device or 24 instrument in the OR that is contaminated and can 25 increase the risk of surgical-site infection.

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- the question, lacks foundation, as -- assumes facts not in evidence.
- A. So when you say everything that -- I mean I try to prepare the patients before surgery, that kind of thing?
- Q. You want to do everything from -- from -from cleanliness of the operating room, to patient prep, to procedure, technique, to limit the -- the risk of surgical-site infection during a total hip and total knee because of the devastating nature of those types of infections.
- A. They're definitely devastating, and I would want the systems in the hospital and the personnel in the hospital and the environment to be as clean as possible. I want to lower the rates as much as they can be lowered.
- Q. I mean, you wouldn't advise keeping a device or instrument in the OR that is contaminated and can increase the risk of a surgical-site infection.

MR. COREY GORDON: Object to the form of 20 the question.

A. So, you know, there's nothing sterile, or not much sterile in an operating room. The table itself isn't sterile that you put a patient on. So if you talk about contamination, do I want to go in and Do you agree with that?

MR. COREY GORDON: I object to the form of the question.

- 4 A. And shown to increase.
  - O. Yes.
- A. Not a rare potential, one in a million, but 6 7 shown in the -- in the literature to increase
- infections. If you say it that way, yes. 8
  - Q. Okay. In the literature?
  - A. If somebody's done a study, in other words.
- 11 O. Okav.
- 12 A. That's what I'm trying to say.
- 13 Documentation. So you say it's contaminated and linked to infections, I would say, how is it linked to 14 infection, hopefully in some study. 15
- Q. But does it have to be in the literature, or 16 17 can it be just from scientific evidence or common 18 sense?
  - A. Common sense, no. There's a lot of people -- You know, there's a guy by the name of Galileo who defied common sense and found out that, you know, the earth's not the center of the universe. It was common sense before that.
  - Q. Okay. Do you agree it's the responsibility of the corporation that manufactures a medical device

Page 62 Page 64 to make sure it's safe? 1 A. Hmm? 1 2 MR. COREY GORDON: Object to the form of 2 O. Who funded that study? 3 the question. 3 A. It was funded by the industry itself, yeah. Q. Okay. Because industry wants to --4 A. Manufacturers do what? 4 5 5 A. They --O. A medical device to make sure it's safe? 6 A. I think, yeah, again, I'm interested in 6 Q. -- perform studies to not --7 infection control, I'm interested in safety. If 7 A. Show the safety of their product. 8 somebody makes a device, I would hope that they would 8 Q. You have to let me finish. make it safe. 9 A. I'm sorry. I'm sorry. Q. And they're the -- they're responsible for 10 Q. The manufacturer wants to fund studies to --10 making sure it's safe. Don't you agree? to determine whether or not it's effect -- like 11 11 12 A. I would hope -clinically effective or a good product, and to 12 13 MR. COREY GORDON: Same objection. determine whether or not it's safe; correct? 13 14 A. -- so, yeah. 14 A. Yes, that's true. 15 Q. And in fact, I mean, you've been part of 15 Q. Because safety is paramount; correct? studies, haven't you, where corporations fund studies MR. COREY GORDON: Object to the form of 16 16 of their own products to determine whether or not it's 17 17 the question. clinically effective and safe? 18 MR. ASSAAD: Basis? 18 A. I've done a number of studies on drugs, for 19 19 A. Safety is a -example, used to treat sepsis, and to a one they were 20 20 MR. COREY GORDON: "Paramount" is a --21 all failures. 21 is -- presumes everything. Safety is an important consideration, but you can -- you can have a 22 (Interruption by the reporter.) 22 (Discussion off the stenographic 23 23 perfectly safe operation that guarantees that there's 24 24 no surgical-site infections by not doing the surgery. 25 A. To a single one. To every one of them. I'm 25 MR. ASSAAD: I'm asking --Page 63 Page 65 sorry. To a case, if you will, they were all 1 MR. COREY GORDON: There's a balance. failures 2 MR. ASSAAD: I'm asking for the legal 2 Q. And --3 3 basis, not your --4 MR. COREY GORDON: The legal balance is 4 A. And we published, by the way. 5 Q. I understand that. 5 that the word "paramount" is vague. MR. ASSAAD: Okay. Then say "vague." 6 And those studies were funded by the 6 7 manufacturer of those drugs; correct? 7 MR. COREY GORDON: You were using it in a 8 8 A. By the pharmaceutical company, yeah. particular context and he --9 Q. Okay. Because no one else is going to fund 9 MR. ASSAAD: For the rec -a study regarding their own product. 10 MR. COREY GORDON: -- he may interpret it 10 11 A. Yeah. It's hard sometimes to get NIH to and -- as may the jury, in a different context. 11 12 fund private industry. 12 MR. ASSAAD: For the record, I asked for the objection to my question, and Corey Gordon could 13 Q. Okay. So usually private industry usually 13 funds their own studies to determine the safety of have said just, "vague"; however, he went into a 14 14 one-minute discussion on "paramount" and everything their -- of their product; correct? 15 15 16 MR. COREY GORDON: Object to the form of 16 like that. 17 the question. 17 So going forward, Corey, I request that if 18 A. Well certainly for drugs, which I have a lot 18 I ask for a basis just tell me the legal basis, not of experience with, I -- you know, I haven't really -your reasoning why it's vague, or -- or lack of 19 19 20 I don't think I have any studies that I've done on 20 foundation. Fair enough? MR. COREY GORDON: I'm not going to agree 21 products. 21 22 22 Q. Okay. to --23 A. Well urinary catheter apparatus, I have done 23 MR. ASSAAD: Okay. So you don't want to 24 studies on those. 24 agree to no speaking objections. I understand. 25 MR. COREY GORDON: I'm not going to agree 25 Q. And who funded that study?

Page 66 Page 68 to your characterizations. Daniel Sessler and Russ Olmsted? 1 1 2 MR. ASSAAD: Okay. 2 A. I may have, I just can't recall the study. 3 BY MR. ASSAAD: 3 Q. Do you know who Russ Olmsted is? 4 Q. So with respect to a medical device, you 4 A. No. 5 would agree with me that the responsibility to 5 O. So going back to your CV under your 6 determine its safety before it goes on the market is 6 bibliography, it seems like you wrote two books, the manufacturer of the medical device; correct? textbooks in 2014 under "Clinical Decision Support"? 7 7 8 A. Yeah. That's why they fund studies, to test 8 A. Oh yeah. That's an online text now, -both safety and efficacy. 9 Q. Do --10 Q. And they should fund studies; correct? 10 A. -- resource. A. I would hope they would do a lot of funding. 11 11 Q. Do you consider those authoritative? Q. Okay. And if -- if there are researchers in 12 12 A. Yeah. the field that are experts in certain areas and -- and 13 13 O. Okav. recommend research to a manufacturer regarding the 14 A. I'm biased, but. 14 safety of their product, they should take that into Q. Okay. 15 15 consideration in whether or not to do research; A. So you need to know that. 16 16 17 correct? 17 Q. Under "Journal/Book Section Editor" you have 18 MR. COREY GORDON: Object to the form of 18 seven articles there under -- seven -- seven iournal/book documents. 19 19 the question. 20 A. So you're asking if industry makes a 20 A. Where? Where are we? decision as to who does the study; is that what you're 21 Q. Right under "Text Books." 21 22 A. Oh, okay. 22 getting at? 23 Q. No. I'm saying that if there is -- if there 23 Q. Do you consider those authoritative? 24 is an issue regarding the safety of a product --24 A. If I was involved at the time I did my best 25 25 A. Yeah. to make those accurate. Page 67 Page 69 1 Q. -- and the recommendation by, say, for Q. So you consider those accurate and 1 2 example, a -- the advisory -- the Scientific Advisory 2 authoritative? Board member of -- of a corporation that you need to 3 A. Yeah, at the time that we did it. 4 4 do some research regarding the safety of this product, Q. Okay. What are "Books For General 5 do you agree that a responsible corporation would 5 Readership," are those the two books, your fiction and consider doing the research? 6 6 nonfiction? 7 A. Yeah. If there was a signal somewhere that 7 A. Yeah. I want you to buy one for everybody 8 the device or a product was unsafe, yeah, they need to in your corporation so that they can have a good time. 9 go get some more work to prove it one way or another. 9 Q. Well if you gave me a free copy I may have 10 Q. You're aware that Dr. Sessler has done a lot 10 been able to recommend it. 11 of research regarding maintaining normothermia and the 11 (Laughter.) 12 Bair Hugger. 12 MR. COREY GORDON: I can recommend it. 13 A. Yeah, he has. I don't know everything that 13 A. I'll send you a copy later. We'll get you a he's done, I have to tell you that. 14 14 co --15 Q. Are you aware that he's on the Advisory 15 MR. COREY GORDON: And I -- I paid for 16 Board for 3M? 16 mine. A. I may have seen that in one of the 17 THE WITNESS: I'll give you another one. 17 18 depositions. I wasn't aware of that --18 MS. ZIMMERMAN: If you're reading anything Q. Are you aware that --19 19 but literature.

A. I'm not sure I knew that.
Q. Did you not review the 2011 study by -- by
24 to be in any way in-depth sort of critical reviews.
25 Q. But --

those authoritative?

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A. -- in general.

regarding particle tests?

Q. -- he ghost wrote, or not ghost wrote, he --

he -- I'm sorry -- he submitted a study in 2011

Q. Then, under "Monograph," do you consider

A. Yeah, they were -- you know, they were

trying to be up-to-date summaries, they weren't trying

Page 70 Page 72 So, for example, under Doebbeling, Herwaldt, 1 our institution, and on the last one, which was 1 Nettleman, Pfaller and Wenzel, "Hospital-Acquired 2 probably 2014 or '15, I was a senior author or senior Infections: New Challenges," 1991, do you consider 3 editor, if you will. I'm trying to transition to other people. And so for the next one that'll be out that authoritative? 4 4 5 5 in a year or two, I won't be editing that. A. It was at the time. 6 Where are we, though? I just want to make 6 Q. But in any event, you consider that 7 7 sure. authoritative. 8 Q. Under "Monographs," number 2. 8 A. Well it's very good for what we're trying to 9 A. Text Books. Oh, I'm sorry. 9 do. 10 Yeah. I mean, I did my best at the time. 10 Q. Okay. O. Who's --A. We're trying to provide resources to --11 11 12 Under "A Guide to Infection Control in the 12 Q. Prevent infections. Hospital," "Editors," that one interested me because 13 13 A. Absolutely. you write: "Over 60,000 copies have been distributed 14 Q. So you consider it authoritative and you're 14 free of charge --15 sending it around the world. 15 A. Yeah. A. Yeah. No. I mean for -- But it's 16 16 17 Q. -- to healthcare workers in the developing 17 targeting, particularly, countries that have limited 18 world -resources, so it's not -- it's not an in-depth review, 18 it's really trying to focus as much as possible on the 19 A. Yeah. 19 20 Q. -- countries by the end of 2008." 20 problems they face. 21 And by the way, you're missing a space in 21 Q. But you agree with everything in it; your CV between "countries" and "by." You might want 22 22 correct? 23 to fix that. 23 A. Yes, I think so. I've read -- everything that I have put there I pretty much have reviewed. 24 MR. COREY GORDON: And "countries" is 24 25 Q. You're the editor. 25 misspelled. Page 71 Page 73 A. Oh. 1 A. Yeah. 1 2 MR. ASSAAD: Yes, and that, too. 2 Q. Okay. And you're the first-named editor; 3 3 MR. GOSS: Mistakes. correct? 4 4 A. Appreciate that. A. Most of the time there. With all this, 5 5 Q. Was this funded by a nonprofit organization, veah. 6 6 Q. I mean you were primari -or --A. I am now there. 7 A. Actually I've been a member of the 7 8 International Society for Infectious Disease for a Q. But during this time you were primarily 9 long time, and was president roughly, I don't 9 responsible for the book. remember, 2008 or '10 or so. And three years before 10 A. That's correct, yeah. 10 that I was asked by the former president if I would Q. Okay. And I assume that you edited and 11 11 12 organize a handbook; in other words, something that 12 reviewed everything that was in -- in here. 13 would fit in a pocket, that would be useful to give to 13 A. I have, yeah. healthcare workers in countries throughout the world Q. Okay. And if there's something that you 14 that are developing countries that really couldn't 15 disagree with it you would have objected to putting it 15 afford to buy a text that have no computer resources. 16 in there. 16 So I did that, and the handbook is just what it looks 17 A. Yeah, or if you find something, I'll take it 17 18 like, about a handbook size. 18 look at it. Q. And you've updated it periodically, you Q. Okay. And do you -- do you consider all 19 19 20 started in 1998; correct? 20 your publications or papers authoritative? A. Well given my bias, which I've told you 21 A. Yeah. 21 22 22 Q. And the last edition was 2008? before, --23 A. No. That's the last one that I -- and 23 Q. Okay. 24 actually there are -- there are ones I've passed it 24 A. -- I'd like to think so. over to now, a first editor, Gonzalo Bearman, who's at 25 Q. Whether or not you were the advisor or the

Page 74 Page 76 1 first-named author, you consider it authoritative. 1 Q. Okay. So my question is again, do you have A. Yeah. I read -- I read the papers that I'm 2 2 an opinion -- do you have an opinion whether or not 3 involved in, yeah. 3 the number of particles over a surgical site have an 4 effect on surgical-site infections; "yes" or "no"? MR. ASSAAD: Let's take a break for the 4 5 5 MR. COREY GORDON: Object to the form of court reporter. 6 THE WITNESS: Okay. 6 the question, asked and answered. 7 THE REPORTER: Thank you. Off the record. 7 A. Yeah, I think what I'm trying to do is give 8 (Recess taken from 10:18 to 10:31 a.m.) 8 you the best answer I can, you know, --9 (Discussion off the stenographic record.) 9 O. Well --A. -- that, you know, we don't have complete BY MR. ASSAAD: 10 10 O. You mention -data yet to really say that particles equal 11 11 12 We talked about particles briefly, in -- in 12 infections. 13 the operating room, and that they can carry bacteria. 13 O. Okay. So you're not saying that particles Do you agree with me that the reduction of 14 do not equal infections, and you're not saying that 14 15 airborne particles in an operating room is beneficial? 15 particle -- increased particles increase infections, 16 MR. COREY GORDON: Object to the form of you're just saying that there's not enough data. 16 A. Yes. 17 the question. 17 18 A. So I haven't seen any data to show the 18 Q. So my understanding is you don't have an opinion at this point in time whether or not the 19 reduction in airborne particles actually reduces 19 20 infection rates with maybe, you know, one exception, 20 number of particles over a surgical site increase the 21 the Darouiche study that's more recent where he looked 21 risks of surgical-site infections. at particles in bacteria and he modeled particles in 22 22 MR. COREY GORDON: Object to the form of 23 bacteria and said that they correlate, but he actually 23 the question. 24 didn't show, in a prospective way, that they reduced 24 A. I don't think there are data to say that if infections because he didn't do any microbiology. So 25 25 you have a certain number it's going to predict an Page 75 Page 77 1 there might be a signal out there, but I'm not aware 1 infection. 2 of any study that said if I took out Staph -- now 2 Q. So you have no opinion at this time. 3 3 you're just talking about particles maybe, I'm sorry, A. Well that's my opinion. maybe I'm mixing this up -- but if I reduce particles 4 4 Q. Well your opinion is that there's no data. that I would have fewer infection rates. I think 5 A. Yeah. We need more data. that's what a lot of the laminar flow studies actually 6 6 Q. Okay. So your opinion is you don't have an 7 7 showed didn't occur. 8 8 Q. So I'm guessing your opinion --Okay. Do you agree that if you increase the 9 A. Yeah. 9 number of particles you increase the risk of 10 Q. Do you have an opinion whether or not the --10 surgical-site infection? 11 the number of particles over a surgical site have an MR. COREY GORDON: Object to the form of 11 12 effect on surgical-site infections? 12 the question. 13 A. So I guess I would say it this way. If I 13 A. Yeah, I don't think -- I don't think there knew that there was a hundred percent sort of particle are data that really show that, so. 14 14 15 to bacteria, I'm more interested in bacteria than I am 15 Q. So you don't agree with that. 16 particles. They're both surrogate markers for what 16 A. Yeah. really is going on. What we really want to know is 17 Q. So you don't agree with that. 17 18 what can we do to stop the endpoint, surgical-site 18 A. I don't agree with it. infections. And so then there are some studies that Q. Do you agree that you if you reduce the 19 19 20 have tried to say, if I have particles, you know, I 20 numbers of particles you decrease the risk of have bacteria. Not all studies have really shown the surgical-site infection? 21 21

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same thing always, so there's some discrepancy between

the relationship of particles and bacteria. And

and -- do they cause the infection.

again, the second part of that is if you have bacteria

20 (Pages 74 to 77)

A. And again I've cited the studies from the

laminar airflow would clearly reduce the number of

particles, didn't reduce the number of infections.

Q. So you don't agree with that.

Page 78 Page 80 A. That's right. 1 Q. Okay. And you understand that in an 1 2 operating room they control for humidity to limit the 2 Q. Okay. So you don't agree that if you reduce the number of particles over the surgical site, you 3 amount of bacterial growth. don't reduce -- you don't reduce the --4 MR. COREY GORDON: Object to the form of 4 5 5 A. Yeah, I think we have firm evidence on that. the question. 6 (Interruption by the reporter.) 6 A. Yeah, I don't know the relationship to 7 THE REPORTER: So you don't agree that if 7 humidity. 8 you reduce the number of particles over the surgical 8 Q. Okay. So you're not -- you don't -- you 9 9 have done no research or have no understanding how site? 10 Q. -- you reduce the risk of surgical-site 10 humidity affects bacterial growth? A. True. 11 infections. 11 A. Yeah. The only signal that I would even 12 Q. Okay. And you're not an expert in 12 point to would be Darouiche. 13 13 filtration; correct? Q. Do you consider Darouiche an expert? 14 A. No, only in the sense I don't want to 14 A. I think he's done really good work, yeah. 15 completely -- if you're talking about all filters and 15 So I think he's good. nothing to do with infectious diseases, where they 16 16 Q. So you consider him an expert? interact I think I can make an opinion. But no, I'm 17 17 A. Yeah 18 not an expert just in filters. 18 Q. You do understand that hospitals spend a Q. You agree that the cleanest air that's 19 19 20 significant amount of money to reduce the particle 20 coming into the operating room is coming through the load in an operating room. 21 21 vents. MR. COREY GORDON: Object to the form of 22 22 MR. COREY GORDON: Object -- Object to the 23 the question. 23 form of the question, and lack of foundation. 24 A. Say that again if you would. 24 A. You mean the filtered air is cleaner than 25 Q. Hos --25 somewhere else? Page 79 Page 81 I mean, you understand that there is an HVAC Q. Yes. 1 system in the operating room; correct? 2 A. Yeah. 2 3 Q. Where do you think the greatest bioburden is 3 A. Yes. 4 Q. And it's -- there are -- there are standards 4 in the operating room? 5 in many states regarding the type of filtration to be 5 A. Î just saw a bioluminescence study that says used in an operating room. the side of the table, I think, in one study. And I'm 6 6 MR. COREY GORDON: Object to the form of 7 not an expert in where the greatest bioburden is, but 7 8 the question and lack of foundation. 8 so that's the recent study that looked like that. 9 A. I -- I think there are standards. 9 Q. Side of the surgical table? 10 Q. Have you heard of ASHRAE? 10 A. And the computer, actually, was very -- was 11 very high numbers. 11 A. Yes. 12 Q. Okay. And you understand for an operating 12 Q. But the computer is outside of the -- the 13 room, most operating rooms contain two filters? 13 sterile field; correct? A. Yeah, I think they're MERV 14 or something 14 14 A. It's --15 like that. 15 MR. COREY GORDON: Object to the form of Q. It's a MERV 7 for the prefilter and the MERV 16 16 the question. 14 for the final filter. Do you --17 17 A. -- outside the sterile field. 18 Have you heard that before? 18 Q. It's behind the surgeons actually; correct? 19 A. I've heard the 14. 19 20 Q. Okay. And you understand the purpose of 20 Q. Do you agree that there is a significant that is to reduce the number of airborne contaminants amount of bioburden around the surgical table and 21 21 22 22 in the operating room; correct? underneath the surgical table? 23 23 MR. COREY GORDON: Object to the form of A. Yes. 24 Q. Okay. And you agree with that; correct? 24 the question. 25 A. I do. 25 A. So in that one study that I saw with the

Page 82 Page 84 bioluminescence is the only data that I know about 1 A. -- the only study is the one I cited. 1 burden. 2 2 O. Okay. 3 Q. Okay. So you only rely on literature and 3 A. And you know what I'm talking about, not on any type of scientific reasoning that you could 4 4 Richard? 5 draw from that literature? 5 O. Yes. 6 MR. COREY GORDON: Object to the form of 6 A. Yeah. 7 Q. Now you do understand that the surgeons and the question. 7 8 8 the staff in the operating room are trained not to put A. So I'm not sure of the difference. I mean I would have said the literature -- You read the data, their hands below the operating room table. and then you interpret the data based on maybe a host 10 A. I think that's right. Q. Why is that? of other studies, and together you come up with an 11 11 A. I think that they just try to keep things 12 opinion. 12 Q. I understand that. But sometimes you want 13 right near the field, that's my -- I'm guessing a 13 to do research and you'll have a hypothesis; correct? 14 little bit on that, but. 14 A. Yeah. I'm not sure how that relates to the 15 Q. So as an infectious disease person you don't 15 understand why they -- they want to keep their hands earlier question. 16 16 17 O. Well I'm saying, like, well you know that 17 -- they're trained to keep their hands always above the air coming out of the vents is filtered air; the operating room table? 18 18 A. Well I think they don't want to touch the 19 correct? 19 20 A. Yes. 20 side of the table. Q. And you know that there is many people in 21 Q. Yeah, but they're not evened allowed to put 21 22 their hands down, and not touch anything. 22 the operating room around the surgical table; correct? 23 A. Yeah. Yeah. 23 MR. COREY GORDON: Object to the form of 24 Q. There is the patient; correct? 24 the question. 25 A. Yeah. 25 Q. Do you agree with that? Page 83 Page 85 Q. There is probably two or three people A. Yeah, I don't -- I can't say I've seen rules 1 1 performing the surgery in an orthopedic surgery; 2 for that or anything, and you may be right. 2 3 3 Q. Okay. So you don't know -- you don't -- you correct? 4 4 A. Yes. haven't read any literature on -- or strike that. 5 Q. And there is an anesthesiologist; correct? 5 You haven't looked at procedures or been 6 A. Yes, there is. 6 involved in any training discussing --7 Q. And they are shedding skin squames; correct? A. Where they hold their hands. 7 8 A. Yeah. People who have studied that said 8 Q. -- or training nurses -- or nurses and 9 9 surgeons to keep their hands above the operating room yeah. Q. Do you disagree with that? 10 table to avoid for their hands to be contaminated. 10 11 A. I didn't do any research on that, I haven't 11 A. No. 12 Q. Okay. And therefore, you would agree with 12 13 me that the airflow is pushing down the skin squames 13 Q. Okay. 14 to the floor area; correct? 14 A. -- seen it. 15 MR. COREY GORDON: Object to the form of 15 Q. By the way, before getting involved in this 16 the question, lack of foundation. case did you do -- did you know anything about the 16 A. Well I don't know that the airflow is only 17 Bair Hugger? 17 18 pushing things down to the floor. I don't know that. 18 A. The only thing I knew was the Kurz study was Q. Okay. So sitting here today you don't know 19 pretty much it. 19 20 where the greatest bio -- like where the greatest 20 Q. The 1996 New England Journal of Medicine? bioburden is in the operating room, in the air of the A. That's right. 21 21

Q. Okay.

just remember the Kurz study.

A. I may have read Melling, but, you know, I

Q. Do you know what the difference between the

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operating room?

A. No. --

the question.

MR. COREY GORDON: Object to the form of

Page 86 Page 88 Melling study and the Kurz study is? 1 A. Kept them at ambient air, yes. 1 A. I do. 2 Q. Well they didn't keep them am -- They blew 2 3 Q. What's the difference? 3 ambient air --A. Well in the Kurz study the authors 4 4 A. Blew ambient air, -randomized 200 patients who were undergoing colorectal 5 O. -- which would be surgery to warm air with the Bair Hugger, to ambient 6 A. -- hooked them up ambient air. air, it was double blind study as a result of the --7 7 Q. Which would be a cooling effect on a 8 using the ambient air, and the outcome was 8 patient; correct? surgical-site infections. I'm not sure if you want to 9 A. Yes. know any more about that. 10 Q. Okay. That would be unethical today; 10 11 Melling, which was published in 2001, 11 correct? actually took patients who were expected to have a 12 A. Every -- With the effect of warming, 12 surgical time of about 50 minutes or less --13 13 particularly warming a surgical-site infections. (Interruption by the reporter.) nobody should go to the operating room without being 14 14 15 THE WITNESS: Fifty, five-oh. 15 warmed. 16 A. -- they were clean surgery, there were 421 Q. But you would -- you agree you wouldn't be 16 patients who were randomized. What was different was 17 17 able to do a study and cool patients today. that they pre-warmed the patients for 30 minutes or 18 A. No, no. That's what I'm saying. 18 Q. You could be -more, and... And again, just like the Melling, they 19 19 20 showed a 3-to-1 ratio, three times the risk of 20 A. They have to be warm. 21 infection in the warmed patients versus the non-warmed 21 Q. Okay. And -- And Melling was pre-warming; patients. And I want to point out the consistency of 22 22 correct? 23 that 3-to-1 ratio. 23 A. Melling was pre-warming. But there are data 24 Q. Okay. So you do understand that Melling was 24 to show that the pre-warming actually last up to three pre-warming; correct? 25 hours. I've cited that in my report. Page 87 Page 89 A. Yes. O. Okay. And that's a good thing; correct? 1 1 Q. Okay. It wasn't perioperative warming. 2 A. I think it's a good thing. 2 A. That's correct. 3 3 Q. So you would agree with me that, for 4 Q. Okay. And I'm sure you're aware of studies 4 example, total hip and total knee arthroplasty, that 5 that -- recent studies done by Dr. Sessler and others, you could just pre-warm a patient because its effects that forced-air warming has very little effect on core 6 are for three hours and most of the surgeries last 7 7 temperature for the first hour when you're warming below three hours. 8 8 perioperatively. A. I don't know anybody --9 MR. COREY GORDON: Object to the form of 9 MR. COREY GORDON: Object to the form of the question. 10 10 the question. A. Yeah, I don't -- I don't know that it has no THE WITNESS: I'm sorry. I didn't mean to 11 11 12 effect or very little effect in the first hour. 12 interrupt, Corey. Q. Well you're aware of those studies; correct? 13 13 A. I don't know anybody who's totally done pre-warming with total hips and knees, if that's what 14 A. I remember hearing --14 15 MR. COREY GORDON: Object to the form of 15 you're asking. Q. You agree with me that there's no study out 16 16 the question. 17 there that -- that looked at the -- the effects of 17 A. -- about but I just can't cite them. 18 Q. Okay. So you're not going to -- I mean --18 warming a patient and periprosthetic joint infection. Well you understand that Kurz was 1996; A. That's not quite accurate, because what I've 19 19 20 correct? 20 done is show some cohort studies, if you want to refer 21 A. It was 1996. 21 to those in my report. 22 Q. And you understand that Kurz actively cooled 22 Q. Can you just give me the name of the study? A. So the --23 patients for the control. 23 24 MR. COREY GORDON: Object to the form of 24 Well the first was -- I have a chart 25 the question. actually in my report. On the top of the chart it

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will say there's a study from Hopkins, there were fi

- -- I think I had six -- five or six cohorts. There 2
- was a second study that was done by Leijtens in
- Denmark, and that was total hips and total knees. 5
  - O. Which is the chart you're referring to?
- 6 A. Is this my report? Yeah. (Witness
- reviewing exhibit.) So page 8. So let's look at --7
- 8 under number 2, this was by Leijtens, it was done in
- Holland, total hips and knees. And what they show --
- They -- These people addressed the question, to put it 10
- in perspective, if patients were warmed or -- you 11
- know, during the operation compared to those who 12
- 13 remained hypothermic, was there a difference. And as
- you can see, there is a risk ratio of being cool of 14
- 3.7. And I would point out again that if you look at 15
- Melling or you look at Kurz, it's about three times 16
- 17 the risk of infections --
- 18 O. But the P value --
- A. -- if you're cool. 19
- 20 Q. P value is .061; correct?
- 21 (Interruption by the reporter.)
- 22 A. .061.
- THE WITNESS: I'm sorry. 23
- 24 Q. And you agree with me that the only
- 25 infections were in total hip and not in the total

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2 Q. And so basically for a significant number of 3 them that were warmed with the Bair Hugger, they still 4

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- became hypothermic; correct? A. That's correct.
- Q. Okay. So that might indicate that there
- might be something else besides warming a patient that affects hypothermia.

MR. COREY GORDON: Object to the form of the question, lack of foundation.

- A. Say that again to make sure I follow you.
- Q. Well they were all warmed with the Bair Hugger; correct?
  - A. They were. They were.
- 15 Q. And even though you were warmed with the 16 Bair Hugger, a significant amount of patients, 27
- 17 percent, became hypothermic; correct?
  - A. That's correct.
  - Q. Okay. So it is possible that there's
- 20 something else besides warming that caused
- 21 hypothermia.
- 22 MR. COREY GORDON: Object to the form of 23 the question.
- 24 Q. That's a bad question.
- 25 The patients became hypothermic even though

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knee.

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- 2 A. I don't remember. I think that's probably right, but I don't remember.
  - Q. Okay. And basically there was four out of 109 that were hypothermic, and three out of 306 that were normothermic: correct?
    - A. Yeah, I don't have it in front of me.
- 8 O. Okay.
- 9 A. But I've said seven -- I have in the chart 10 27 percent total.
  - O. Okay. And --
- 12 A. And nobody, by the way, with that .06 is 13 going to discard that. If you were having hip surgery and you were in Holland and you -- and I'm telling you 14 you have three times the risk plus if you weren't 15 16 warmed, are you going to argue with me as a patient
- say the P was only .06? I don't think so. 17 18 Q. You agree with me that all the patients were warmed with the Bair Hugger in that study. 19
  - A. They were Bair Hugger.
  - Q. And all of them were warmed; correct?
  - A. Did you say all of them were warmed?
- 23 Q. I mean they all were warmed with the Bair
- 24 Hugger device.
  - A. That was the -- As far as I understand,

they were warmed.

- 2 A. That's easier to answer, yeah. And I have 3 the -- the 27 percent. That's the figure I reported.
  - Q. So you weren't comparing the use of Bair Hugger versus the non-use of Bair Hugger with respect to infection rates in that study: correct?
  - A. Only the endpoint, whether you were warmed with the Bair Hugger versus not warmed.
  - Q. So you could have been warmed with a -- a convective blanket in that case; correct?
  - A. They weren't, but if you're asking me as long as the patient's warmed, do you think they'll do better?
    - O. Okay.
  - A. That hasn't been done. I'd love to see a HotDog versus the Bair Hugger studied.
    - Q. You've never seen that?
- 18 A. Oh. Never seen a straightforward,
- randomized controlled trial of one versus the other, 19 20 no.
- 21 Q. Okay. You've never seen a study that was
- 22 authored by -- one of the authors was Andrea Kurz on
- 23 that study? That wasn't provided to you by the 24 defense?
- 25 A. That was the first study you mean?

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Q. No. A study with Andrea Kurz and a few --1 2 and Kimberger?

A. Tell me about this study.

3 4 Q. Where they compared the HotDog to the -- the 5 -- the HotDog to the Bair Hugger to see whether or not 6

A. In a prospective clinical trial? I don't remember that study.

9 Q. Do you only count prospective clinical 10 trials?

11 A. Well in the hierarchy of quality of evidence, to me that's number one. 12

13 O. Some people disagree with that, though: 14 correct?

A. Some might.

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Q. Okay. And then we could eliminate number 1, 16 17 number 3, and number -- and number 4 because they didn't deal with total hip and total knee; correct? 18

A. Well I don't think I would --

MR. COREY GORDON: Object to the form of

the question. A. Yeah. I don't think I would eliminate number 4 either, because I think they were -- they

23 were orthopedic patients with hip fractures. I don't think that I would say positively they wou -- that 25

something strange. They said, if you were giving logical anesthesia they didn't warm the patients unless the patients became hypothermic.

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So a lot of weird things about that study. But the data, I'm trying to tell you, I didn't try to hide anything, I put it in there.

Q. But we're seeing 44 percent were hypothermic.

A. Yeah.

Q. Okay. And -- And -- Of total hip, and 33 percent were hypothermic for total knee; correct?

A. That's right.

O. Okay. And you saw no difference in 13 14 infection.

A. That's correct.

Q. Okay. And that was 2017; correct?

17 A. That's right.

> Q. And out of all the studies dealing with total hip and total knee that you've listed, that had the highest number of participants.

A. Don't remember the numbers, but maybe.

22 O. You have it right here under number of 23 patients.

A. Oh, okay. I see what you're saying.

O. You have 600 and --

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Q. Well let's look at being warmed and not being warmed, --

A. Yeah.

5 Q. -- okay? And that's number 5; correct?

6 A. Yes.

7 Q. Which is the Frisch study; correct?

doesn't have any relevance to --

A. Yeah. That's right.

Q. And the Frisch study said, hey, it doesn't matter if you're being warmed because 1 percent got infections if you were warmed and 1 percent didn't get it if you weren't warmed; correct?

13 A. So I put that study in to let you know that 14

Q. You disagree with it.

A. -- I looked at all literature and didn't just cherry-pick anything.

Now if I want to look at that study, let's talk about it. Look at the high proportion, for some reason, that never -- that got cool, 43, thirty -- 44 and 33 percent. And there are a couple other weird things. The follow-up was six weeks. So really hard to pick up a lot of deep infections in six weeks. They didn't regulate the temperature in that study in

the operating room, as you know. And they did

1 A. Yeah.

Q. Okay. You have 2,397; correct?

A. Yeah. Of the hips and anything to do with orthopedics, right.

Q. And you said a study of only looking at six weeks will not pick up deep joint infections?

A. Might miss a lot of them.

Q. Okay. Because they may -- they may occur one year after; correct?

A. Could be, but at least out three months. I don't know why you wouldn't do that.

Q. I mean some of them even occur two years; correct?

A. Some people show up two years later. It's always hard to know, you know, did they have an interim -- intermittent bloodstream infection, but out to a year --

(Interruption by the reporter.)

A. -- intermittent bloodstream infection that landed on the device.

Q. And -- And there are -- there are some case studies out there that indicate that they could have had -- come up and be five years later if there's no intermittent infection. They trace it back to the implant surgery.

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Page 98 A. I've heard that there are case reports like 1 2 that, yeah. I can't cite any. 3 Q. But you've heard of it; right? A. Yeah. 4

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Q. And you don't disagree with it.

A. If it's a real report, it's a real report, that's what happened.

Q. And -- And --

A. But what I'm saying is some -- it's really hard as a clinician, facing those patients, was that patient infected at the time of surgery, just so we're clear, or did they went to the dentist, they have horrible teeth, they had a -- you know, some manipulation in the mouth and they got a secondary bacteremia and they settled on the prosthesis. Five years out you can't tell.

O. Well you know that secondary bacterium 18 theory is under a lot of dispute.

A. It might be under dispute, but I'm telling you as a clinician standing in front of the patient.

Q. Okay. I understand that, but it's not settled whether or not secondary bacterium from the mouth causes a periprosthetic joint infection. You've read articles --

A. That's the deba --

1 likelihood that computer monitors cause a

surgical-site infection, or the fans in them cause a 2 3 surgical-site infection is very low.

Page 100

Page 101

A. Yeah. I haven't seen any data linking them.

O. Okay. And you agree with me that the computer console and the equipment in them, the likelihood of them causing a surgical-site infection is very low.

A. And again I can't cite any papers that link them, yeah.

Q. So you agree with me.

A. Yeah.

Q. Okay. You agree with me that the electrocautery device itself has a very low likelihood of causing a surgical-site infection.

A. Based on not having any data, yeah.

O. So you agree with me.

You agree with me that a bovie is very 18 unlikely to cause a surgical-site infection. 19

20 MR. COREY GORDON: Object to the form of 21 the question, also I guess that's asked and answered.

22 A. I just -- Yeah, I just don't know any data

23 with the bovie or the knife or...

24 Q. You agree with me that sterile surgical 25 drapes are very unlikely to cause a surgical-site

Page 99

There's a debate going on as to whether or not these patients should all be screened by their oral surgeons or not beforehand because it's a worry.

Q. Okay. And since you believe that the most likely cause of a surgical-site infection is patient flora, then you would agree with me that the likelihood that the anesthesia machine caused a surgical-site infection is very low.

MR. COREY GORDON: Object to the form of the question.

A. In general I think that's true.

Q. Okay.

A. Would there be an exception, an outbreak or something like that where something happened? Yeah. But that's what I would say in general, yes, I think it's low.

Q. We're talking probabilities here.

A. Yeah. No, I'm with you.

Q. And you agree with me that the probability that a surgical light causes a surgical-site infection is very low.

(Interruption by the reporter.)

A. Yeah, I don't think I've seen any studies related to that.

Q. And you'd agree with me that comput -- the

1 infection.

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MR. COREY GORDON: Object to the form of the question.

A. I would say that anything sterile is unlikely to cause an infection.

Q. You agree with me that the cabinets along the walls are very unlikely to cause a surgical-site infection.

9 A. Same answer. I haven't seen any data. I think it's unlikely. 10

11 Q. You agree with me that the suction drain 12 that's in the operating room is very unlikely to cause 13 a surgical-site infection.

A. Yeah, I think drains have been known to harbor certain organisms like Pseudomonas, but again, if you say standard procedures that have been, you know, done to try to minimize that, I think it's unlikely.

18

19 Q. And when I ask you these questions, doctor, 20 let's just assume that the hospital, the doctors and the nurses are following the standard of care. 21

A. I'm with you.

23 Q. Okay.

A. I'll follow that.

25 Q. Okay. Like, for example --

	Page 102		Page 104
1	A. I like infection control, so I'm with you.	1	show a link with particles and surgical-site
2	I'll imagine the perfect hospital.	2	infections.
3	Q. Okay. Like, for example, we're not	3	Q. Have you read Dr. Mont's expert report?
4	expecting a nurse to take off her mask and sneeze	4	A. Yes, I did look at that.
5	right into the surgical site, you know, okay?	5	Q. Okay.
6	A. I would hope so.	6	A. Yeah.
7	Q. Okay. You agree with me that sterilized	7	Q. Do you criticize anything in his report?
8	surgical instruments are very unlikely to cause a	8	A. Yeah, I don't think I saw anything that I'd
9	surgical-site infection.	9	criticize.
10	MR. COREY GORDON: Object to the form of	10 11	Q. Okay. Do you believe that Have you read
11	the question.	12	Have you read all the defense expert
12 13	A. Yeah, in general again, anything sterile. Now once they're used they're no longer sterile, but,	13	Have you read all the defense expert reports, all the all 12 others?
14	yes, I think that's true, and I agree with you.	14	A. No, I don't think I read 12.
15	Q. Yeah, I understand that when you cut the	15	Q. Okay. Have you read Dr. Ho's expert report?
16	skin they may no longer be sterile; correct?	16	A. No, I didn't see that.
17	A. Yes. That's correct.	17	Q. Have you read Dr. Kuehn's expert report?
18	Q. However, you do understand that in	18	A. No.
19	orthopedic implant surgeries the standard of care is	19	Q. Have you read Dr. Abraham's expert report?
20	after you make the first incision or some surgeons	20	A. No.
21	would say after you make the first incision to switch	21	Q. So what expert reports have you read? Dr.
22	the scalpel.	22	Borak?
23	A. Yes.	23	A. Borak, Holford.
24	MR. COREY GORDON: Object to the form of	24	On this side of the table you mean?
25	the question, lack of foundation, assumes facts not	25	Q. Yes.
	Page 103		Page 105
1	in evidence.	1	A. Mont. I'm not sure who else. I think that
2	THE WITNESS: Sorry.	2	that may be it, I don't remember.
3	Q. The drop buckets for a used sponge, do you	3	Q. Have you met Dr. Mont?
4	agree with me that they're very unlikely to cause a	4	A. Just at Science Day is the only time.
5	surgical-site infection?	5	Q. Have you met anyone from 3M in preparation
6	A. Again I'll say the same thing, you know, I	6	of your expert report?
7	don't know any data, so I think it's low probability.	7	A. No.
8	Q. And same question with the trash receptacle.	8	Q. Have you not met Al Van Duren?
9	You agree with me the trash receptacle is very	9	A. No.
10	unlikely to cause a surgical-site infection.	10	Q. Have you read Al Van Duren's deposition?
11 12	A. Yes.	11	A. No.  O. You haven't read his 20(h)(6) denosition?
13	Q. And do you agree with me that surgeons moving their hands is very unlikely to cause a	12 13	Q. You haven't read his 30(b)(6) deposition? A. No.
14	surgical-site infection?	14	Q. Do you know what a 30(b)(6)
15	MR. COREY GORDON: Object to the form of	15	A. No,
16	the question.	16	Q deposition is?
17	A. So a surgeon doing surgery is moving his	17	A have no idea.
18	hands.	18	Q. So have you
19	Q. He's moving his hands like this	19	Have you read Gary Hansen's deposition?
20	[demonstrating].	20	A. No.
21	A. Yeah. And is that a cause, assuming that	21	Q. Have you read any other
22	nothing else is happening? Yeah, I don't think the	22	Have you read any other depositions besides
23	movement of hands. Now people talk about the movement		expert depositions?
		~ 4	A NI - I d (4.41. ) 1
24 25	of hands creating more particles and whether that's linked, we talked about that earlier. It's hard to	24 25	<ul><li>A. No, I don't think so.</li><li>Q. Well that's not exactly true,</li></ul>

Page 106 Page 108 MR. COREY GORDON: Yeah. 1 A. No, I didn't. 1 2 MR. COREY GORDON: Object to the form of 2 O. -- and I apologize for that. 3 MR. COREY GORDON: Kurz and Sessler. 3 the question, assumes facts not in evidence. 4 4 THE WITNESS: Sorry. A. Oh, I'm sorry. 5 5 O. You've read the depositions listed in Q. Are you aware of Mistral? 6 Exhibit --6 A. No. 7 A. Yeah. I'm sorry. I didn't -- I thought you 7 Q. Are you aware of WarmTouch? 8 meant from 3M or something. 8 A. I've heard of WarmTouch, yeah. 9 Q. Exhibit, I think it's 3? 9 Q. Okay. A. I think WarmTouch is what they use at 10 MR. COREY GORDON: 2. 10 11 11 Hopkins. 12 Q. Okay. So there's other forced-air warming 12 So besides these depositions listed in Exhibit 2, what other depositions -- Strike that. 13 13 devices as well as convective devices; --You've read Holford, Borak and Mont. Any 14 A. Yeah. 14 other depositions you reviewed that are on the defense 15 Q. -- correct? 15 A. Yeah. side? 16 16 17 A. I don't -- I don't think so. I don't recall 17 Q. Okay. And you're aware that, you know, any other ones. 18 other competitors of 3M have done research to compare 18 their product to the Bair Hugger. 19 Q. You actually -- Before I get there. 19 And you've read the depositions of A. I don't -- I mean, the only ones I've seen 20 20 plaintiffs' experts; correct? 21 have really been the HotDog and, you know, and, let's 21 say, Augustine's new study which I don't know if it's A. I read Jarvis, Samet, and I think I've read 22 22 23 23 Augustine. 24 Q. You think Augustine is on the plaintiffs' 24 Q. I don't want to talk about that today. 25 25 A. -- it's on the table or not, but yeah. side? Page 107 Page 109 A. Oh, I'm sorry. I don't --1 Q. I mean, there's -- there's Warm --1 2 Do I think he's on the plaintiffs' side? I 2 A. And the McGovern study I mean obviously is 3 the big study you have for your side of the table. 3 thought so. Q. Well is that what someone told you? 4 Q. Why did you think that? Did someone tell 4 5 you that? 5 A. Not --6 6 A. No. I mean, he -- he is in charge of the Are you asking me if someone told me that? 7 company making the competitor. 7 Q. I mean -- I mean, you say you thought --8 Q. Well there's a lot of competitors, aren't 8 A. Why do I say that? 9 there? 9 Q. -- you thought Augustine was on the plaintiffs' side. Why would you make that assumption? 10 10 A. Well I think that's the key one we're A. Because he compared, you know, his product focusing on if we're really going to be talking man to 11 11 12 man here. That's the one that's --12 to the Bair Hugger in the new study --13 Q. Let's talk man to man. 13 Q. You're aware that --14 A. -- which you don't want to talk about, but. 14 A. Yeah. Q. You're aware that Augustine invented the 15 O. Let's talk man to man. 15 16 (Laughter.) 16 Bair Hugger; correct? MS. ZIMMERMAN: I'm going to excuse myself 17 A. I do, yeah. 17 18 for this. 18 Q. Okay. So do you criticize any of his older 19 studies that he did on Bair Hugger before he left 19 (Laughter.) 20 THE WITNESS: I'm sorry. I meant that as 20 Arizant? A. I don't know if I know all of his old 21 kind of a joke. 21 studies, but I think -- you know my opinion. I think Q. So, I mean, have you heard of VitaHEAT? 22 22 the Bair Hugger works, I think there are no data out 23 A. No, I don't --23 24 Q. VitaHEAT was a competitor of 3M that 3M just 24 there to definitively link it to harm. bought. Are you aware of that? 25 Q. Well we have two studies that you just

Page 110 Page 112 indicated that you -- that it support your opinion 1 Q. That would indicate that the Bair Hugger may 1 that Bair Hugger works for total hip and total knee. 2 not maintain normothermia during a surgery; correct? One said it doesn't make a difference, --3 A. For that study that's correct. 4 Q. Okay. And that looks --4 A. Umm-hmm. 5 5 Q. -- and the other was where they compared And that showed a 3.7 percent if they were 6 Bair Hugger -- and one where the Bair Hugger was used 6 all the time and indicated even when you used the Bair 7 A. No, not "percent." It's a risk ratio. 7 8 Hugger that it didn't maintain hypothermia; correct? 8 Q. You have percent there, sir. MR. COREY GORDON: Object to the form of 9 A. Oh, I'm sorry. It's both. the question, mischaracterizes his testimony, --10 Q. Okay. And one per -- if they're 10 hypothermic; correct? Q. Isn't that what those studies say? 11 11 12 MR. COREY GORDON: Let me finish my 12 A. Yes. 13 Q. So there might be something else in the oper 13 objection, please. 14 MR. ASSAAD: Okay. 14 15 MR. COREY GORDON: -- misstates the 15 MR. COREY GORDON: I think you misstated evidence, form. 16 16 that. 17 Q. We can go back if you want, doctor. 17 MR. ASSAAD: I don't think I misstated it. Do you want to go back? Let's go back. 18 18 MR. COREY GORDON: You said one percent if A. Let's do that. That'd be fine. 19 19 they're hypothermic. MR. ASSAAD: I said -- I thought I said Q. Let's be 100 percent correct what these 20 20 21 studies say. 21 "warmed." Did I say --22 A. One percent if warmed, versus 3.7 if 22 A. Yeah, that's fine. Q. Because we want to be accurate; correct? 23 23 hypothermic. 24 A. Yes. 24 Q. Okay. And the p value was -- would indicate 25 Q. We don't want to be an advocate for the 25 to many people out in the research field that it's not Page 111 Page 113 defense. You want to be --1 statistically significant; correct? 1 2 MR. COREY GORDON: Object to the form of 2 A. I'm not an advocate. Q. You want to be objective; correct? 3 3 the question. 4 A. Yes. That's --4 A. I think many people who are out there would 5 Q. Okay. 5 not blow this off at .06. A. That's good. 6 6 Q. They would do further studies, wouldn't Q. Being objective is really important when 7 7 they? thousands of people's -- of lives are at stake; 8 A. Well they probably would do further studies, 9 correct? 9 yes. But I think no one would discount that is what 10 I've told you earlier if I were advising a patient and 10 A. Yes. Q. Okay. And what page are you looking at, 11 that's all we had. 11 12 12 Q. Okay. But we could agree with this study on sir? 13 A. Page 8. 13 number 2, the Holland study on Exhibit 1, page 8, that Q. Okay. So let's look at the two studies that the Bair Hugger, even when used, still may not 14 14 maintain normothermia; correct? dealt with total hip and total knee. 15 15 16 A. Yep. 16 A. That's true. 17 Q. Okay. One was the one in Holland; correct? 17 Q. Okay. And then let's look at the study that 18 A. Yes. 18 indicate that when the Bair Hugger is used and not Q. Where Bair Hugger was used on all the used; correct? And we see that when the Bair Hugger 19 19 is used --20 patients; correct? 20 A. Yes. That's my understanding. 21 21 A. Which study are you on? 22 Q. And even when the Bair Hugger is used, 27 22 Q. Number 5, the Frisch study. 23 percent of the people still became hypothermic; 23 A. Okay. Yeah. 24 correct? 24 Q. Okay. 25 25 A. That's correct. -- there is a 1 percent infection rate;

Page 114 Page 116 correct? 1 A. Two years. 1 A. Yes. 2 Q. -- two, two and a half years; correct? 2 3 Q. And when the Bair Hugger is not used there 3 And you actually have seen internal is a 1 percent infection rate; correct? documents from 3M; isn't that true? 4 4 5 5 A. I don't know what documents you're talking A. Yes. 6 Q. Okay. So the Frisch study indicates that --6 about. 7 the Frisch study actually tested the infection rates 7 Q. I mean, you've read depositions in the 8 when the Bair Hugger is used as compared to when the 8 Walton case. Bair Hugger is not used; correct? A. Oh, I have seen those. Is that what you 10 A. Used versus not used? 10 mean by that? Q. Yeah. 11 Q. Yes. 11 12 A. Well they looked at who got cool with the 12 A. In the Walton case, yeah. 13 Bair Hugger versus who didn't get cool with the Bair 13 O. And you --14 And you've read depositions and you've had 14 Hugger. 15 internal documents provided to you in the Walton case. 15 Q. You mean warm. A. Huh? 16 A. Yeah, I haven't looked at Walton for, you 16 Q. You mean warm. 17 17 know, almost the two years so I can't remember all the 18 A. Warmed. I'm sorry. 18 things I looked at or not, but I had certainly read Q. We're not cooling with Bair Huggers; are we? everything that I could get my hands on and that they 19 19 A. We're what? 20 20 sent. 21 Q. We're not cooling with Bair Huggers. 21 Q. Okay. And were you told not to include any A. No, no. I'm sorry. 22 22 of the -- any internal documents --Q. Okay. That would be unethical; correct? 23 23 A. No. 24 A. No, but the percent --24 Q. -- in -- in your report? 25 25 A. No. What I'm saying is, you know, they had the Page 115 Page 117 percent here who were under 36 degrees, no question, 1 Q. Okay. When'd you start writing your report? in a high proportion, unusually high proportion. A A. I tend to not wait till the last second, so 2 3 I probably started, I'm going to estimate, even a year lot of strange things which I've already documented ago, you know, just to fill out the general areas, you about this study. But that's what they showed; no 4 5 difference, one percent at face value. 5 know, what data were available from clinical trials, pretty much trying to look at the hierarchy of the 6 Q. And every -- every study has limitations; 6 7 clinical quality, so then I had cohorts, case-control correct? 8 studies and if I learned anything more, and then A. Every study can be looked at carefully. 8 9 Q. Okay. And if you're an advocate you're 9 eventually increased the size of the tables if I was going to discredit the studies and look at their 10 making a table. 10 Q. So you're telling me the report that you limitations, and if you're an advocate for a side 11 11 wrote in Walton --12 you're going to not look at the limitations. 12 13 A. Well --13 A. Oh, Walton, way back when. 14 Q. Did you not use any of that report in this 14 MR. COREY GORDON: Object to the form of report? the question. 15 15 A. -- I don't think that's true. 16 16 A. Yeah, there probably were some same things in terms of the background, some of the same studies, 17 17 O. Okay. 18 (Interruption by the reporter.) 18 but I think I kept finding more and more studies is (Discussion off the stenographic record.) 19 all I'm saying, in more recent time. 19 20 BY MR. ASSAAD: 20 Q. I understand that, but you started working Q. So going back to what depositions you've 21 on this report probably during Walton; correct? 21 A. Yeah. That's fair. 22 read, you've been working on this case for -- since 22 23 2015; correct? 23 Q. Okay. 24 A. I think that's right. 24 A. I mean I did a report for Walton, and then, 25 Q. Okay. So over -- almost -you know, when I was asked to make comments there was

Page 118 Page 120 only one patient. manual for the Bair Hugger Model 750? 1 1 Q. And this was on May 29th, 2015. A. I think I looked at that some time ago. I 2 2 3 A. It was way back. 3 don't remember much about it, but. 4 Q. Okay. And you didn't start all over in this 4 Q. It's not listed in Exhibit 1 anywhere. 5 case; did you? 5 A. Yeah. 6 A. No. I had the basic -- a basic report for 6 Q. Or in the documents that you considered. 7 7 Walton, that's true. A. I may have looked at that with the Walton 8 Q. Okay. All right. And so you've been 8 case or something way back when, but I just don't working on this report since early of 2015. 9 remember. A. Yeah, you could say that. 10 10 Q. Do you remember receiving many internal Q. I mean, your Walton report is -- is documents, as indicated here in Exhibit 5, from 3M? 11 11 approximately 40 pages; --A. I just can't recall that, so I don't know. 12 12 A. Umm-hmm. 13 13 Yeah. 14 Q. -- correct? 14 Q. Well what's been provided today, --15 Does that sound about right? 15 A. Yeah. Q. -- are those all the documents that were A. I don't remember, but that's about right, 16 16 17 17 provided to you by any of the attorneys for 3M, from yeah. 18 Q. Okay. Have you compared your Walton report 18 Blackwell Burke or from Greenberg Traurig? to -- to your current report which is Exhibit 1? 19 19 MR. COREY GORDON: Object to the form of 20 A. I -- I haven't gone back and tried to look 20 the question. 21 line by line or area by area. My guess, it comports 21 A. I think I was focusing on sort of this to similar things. 22 22 general type of causation question. Was there 23 MR. ASSAAD: I only have one copy of this, 23 anything from Blackwell? I don't know. 24 but let's mark this as Exhibit Number? 24 Q. Did you re --25 THE REPORTER: Five. 25 So you're sitting here today, you didn't Page 119 Page 121 (Discussion off the stenographic record.) rely on any of the documents, internal documents from 1 1 2 (Wenzel Exhibit 5 marked for 2 3M. 3 3 identification.) A. No. I mean I told you what I have, and... (Discussion off the stenographic record.) 4 4 Q. Okay. Well this is what you have for the 5 BY MR. ASSAAD: 5 multidistrict litigation; correct? 6 Q. I represent to you that Exhibit Number 5 is 6 A. Yes. a copy of part of your Walton report that indicates 7 Q. Do you have another file or box of documents 7 8 8 the materials that you reviewed in preparation of the that you had for Walton? 9 Walton report. Does that look familiar? 9 A. I don't have anything that I remember a 10 MR. COREY GORDON: Object to the form of 10 separate file. I mean, my office looks like a mess the question, mischaracterizes the document. 11 right now, but --11 12 A. I don't remember this at all, no. 12 Q. You do understand the Walton case is still 13 Q. Can I see that document real quick, because 13 going on. 14 I only have one copy? 14 A. I don't know anything about where it is. Q. Okay. So have you destroyed them? 15 A. Yeah, sure. (Handing.) 15 16 Q. Do you recall reading the depositions of any 16 of those individuals during the Walton case? 17 Q. Okay. So you believe you still have them, 17 18 A. I actually don't remember any of that, no. 18 you just don't know where they are. A. Yeah. 19 Can't recall. 19 Q. Okay. So my understanding is that the 20 Q. Can I have it again, sir? 20 expert report of Nurse Hughes was never provided to 21 A. (Handing.) 21 Q. Did you look at medical records in the vou: correct? 22 22 23 Walton case? 23 A. That's true. 24 A. I did. 24 Q. And did you review the expert report of Dr. Q. Okay. Did you ever look at the operating 25 25 Mont?

	Page 122		Page 124
1	MR. COREY GORDON: Objection, asked and	1	A. No.
2	answered.	2	Q. Did you ever go online to review them?
3	MR. ASSAAD: I asked him about the	3	A. No.
4	deposition.	4	Q. Have you ever been to any of the websites
5	MR. COREY GORDON: The deposition?	5	prepared by Blackwell Burke to to do a a
6	MR. ASSAAD: Yeah. I'm asking about the	6	marketing campaign of the benefits of forced-air
7	report this time.	7	warming?
8	MR. COREY GORDON: You mean the transcript	8	MR. COREY GORDON: Object to the form of
9	that didn't exist until about an hour ago?	9	the question.
10	MR. ASSAAD: The expert report.	10	A. I don't remember doing that, no.
11	MR. COREY GORDON: That was That was	11	Q. Are you aware that Blackwell Burke is trying
12	asked and answered.	12	to influence the jury in Minnesota?
13	MR. ASSAAD: Well let me ask it again,	13	MR. COREY GORDON: Object to the form of
14	because I don't I was going through this list and	14	the question, move to strike.
15	it's not on this list.	15	A. I'm not aware of that.
16	MR. COREY GORDON: That's fine.	16	Q. Okay. Are you aware of any law firm that's
17	MR. ASSAAD: It's not worth fighting about.	17	representing a manufacturer of a medical device that
18	MR. COREY GORDON: No, it isn't.	18	actually puts out a website and promotes the and
19	A. No. I remember most reading most	19	markets the medical device on their own on the
20 21	recently reading the I guess it's the deposition.  Q. So you've never seen the expert report of	20 21	website?
22	Dr. Mont.	22	MR. COREY GORDON: Object to the form of the question, lack of foundation.
23	A. I think I'm not sure, okay?	23	A. So
24	Q. Well if it's not listed in your	24	Q. Are you aware of that, "yes" or "no"?
25	A. Yeah.	25	A. So say it again. Just want to make sure I
			11. Se suly 10 uguini 10 ust 11 usit 10 initialité sull 6 i
	Page 123		Page 125
1		1	
1 2	Q in Exhibit 2,	1 2	understand.
2	Q in Exhibit 2, A. Yeah.	1 2 3	understand. Q. Are you aware of a law firm that actually
2 3	<ul><li>Q in Exhibit 2,</li><li>A. Yeah.</li><li>Q then you most likely didn't receive it.</li></ul>	1 2 3 4	understand.  Q. Are you aware of a law firm that actually markets a medical device for a company?
2	Q in Exhibit 2, A. Yeah.	3	understand.  Q. Are you aware of a law firm that actually markets a medical device for a company?  A. No, I'm not.
2 3 4	<ul> <li>Q in Exhibit 2,</li> <li>A. Yeah.</li> <li>Q then you most likely didn't receive it.</li> <li>A. Yeah, I don't I don't recall it, that's all.</li> </ul>	3 4	understand.  Q. Are you aware of a law firm that actually markets a medical device for a company?
2 3 4 5	<ul> <li>Q in Exhibit 2,</li> <li>A. Yeah.</li> <li>Q then you most likely didn't receive it.</li> <li>A. Yeah, I don't I don't recall it, that's</li> </ul>	3 4 5	understand. Q. Are you aware of a law firm that actually markets a medical device for a company? A. No, I'm not. Q. Okay. You're not a You're not familiar
2 3 4 5 6	<ul> <li>Q in Exhibit 2,</li> <li>A. Yeah.</li> <li>Q then you most likely didn't receive it.</li> <li>A. Yeah, I don't I don't recall it, that's all.</li> <li>Q. You didn't receive the expert report of Dr.</li> </ul>	3 4 5 6	understand. Q. Are you aware of a law firm that actually markets a medical device for a company? A. No, I'm not. Q. Okay. You're not a You're not familiar with how particles move in airflow; are you?
2 3 4 5 6 7	<ul> <li>Q in Exhibit 2,</li> <li>A. Yeah.</li> <li>Q then you most likely didn't receive it.</li> <li>A. Yeah, I don't I don't recall it, that's all.</li> <li>Q. You didn't receive the expert report of Dr.</li> <li>Keen; correct?</li> <li>A. That's true.</li> <li>Q. You did not receive the expert report of Dr.</li> </ul>	3 4 5 6 7	understand.  Q. Are you aware of a law firm that actually markets a medical device for a company?  A. No, I'm not.  Q. Okay. You're not a You're not familiar with how particles move in airflow; are you?  A. No.
2 3 4 5 6 7 8 9 10	Q in Exhibit 2, A. Yeah. Q then you most likely didn't receive it. A. Yeah, I don't I don't recall it, that's all. Q. You didn't receive the expert report of Dr. Keen; correct? A. That's true. Q. You did not receive the expert report of Dr. Kuehn; correct?	3 4 5 6 7 8 9 10	understand.  Q. Are you aware of a law firm that actually markets a medical device for a company?  A. No, I'm not. Q. Okay. You're not a You're not familiar with how particles move in airflow; are you?  A. No. Q. Okay. Have you been provided the expert report of Dr. Lampotang?  A. No.
2 3 4 5 6 7 8 9 10	Q in Exhibit 2, A. Yeah. Q then you most likely didn't receive it. A. Yeah, I don't I don't recall it, that's all. Q. You didn't receive the expert report of Dr. Keen; correct? A. That's true. Q. You did not receive the expert report of Dr. Kuehn; correct? A. Correct.	3 4 5 6 7 8 9 10 11	understand.  Q. Are you aware of a law firm that actually markets a medical device for a company?  A. No, I'm not. Q. Okay. You're not a You're not familiar with how particles move in airflow; are you?  A. No. Q. Okay. Have you been provided the expert report of Dr. Lampotang?  A. No. Q. Do you know who Dr. Lampotang is?
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>Q in Exhibit 2,</li> <li>A. Yeah.</li> <li>Q then you most likely didn't receive it.</li> <li>A. Yeah, I don't I don't recall it, that's all.</li> <li>Q. You didn't receive the expert report of Dr.</li> <li>Keen; correct?</li> <li>A. That's true.</li> <li>Q. You did not receive the expert report of Dr.</li> <li>Kuehn; correct?</li> <li>A. Correct.</li> <li>Q. Or Kuehn [keen]. I say Kuehn [coon] just to</li> </ul>	3 4 5 6 7 8 9 10 11 12	understand. Q. Are you aware of a law firm that actually markets a medical device for a company? A. No, I'm not. Q. Okay. You're not a You're not familiar with how particles move in airflow; are you? A. No. Q. Okay. Have you been provided the expert report of Dr. Lampotang? A. No. Q. Do you know who Dr. Lampotang is? A. No, I don't.
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Page 126 Page 128 A. There was a meeting in Washington that 1 McGovern study. 1 2 counsel was there and Jonathan -- blanking on his last 2 O. Dr. Borak was to look at that? 3 name now. 3 A. Yeah. 4 Q. Borak? 4 Q. So you would defer to him for his analysis 5 5 A. -- Borak was there, yeah. of that? Q. So it was you --6 6 A. Not necessarily, but I think he added A. That's the first time that we met for a 7 7 something. 8 couple hours in Washington. 8 Q. You don't --9 Q. It was you, Dr. Borak and Dr. Holford? 9 You wouldn't disagree with him; correct? 10 A. Yeah. 10 A. That's true. Q. Any other experts? Q. Okay. And you wouldn't disagree with Dr. --11 11 12 what Dr. Holford has in his report. 12 A. No. Q. Was that the first time you met Dr. Borak? A. Yes. I said that, yeah. 13 13 14 14 Q. Okay. Have you actually looked at a Bair A. It was. Q. Was it the first time you met Dr. Holford? 15 15 Hugger? A. It was. A. I have actually. 16 16 Q. Do you know Dr. Hannenberg? 17 17 O. When? A. Well, a couple times. One, Corey has one in A. What's the name? 18 18 Q. Do you know Dr. Hannenberg? his office, but --19 19 20 A. No, I don't. 20 Q. In Minneapolis? Q. Have you looked at the expert report of Dr. 21 A. Huh? 21 22 Q. In Minneapolis? 22 Hannenberg? A. No. 23 23 A. In Minneapolis, yeah. 24 Q. What about Dr. Ho? 24 And then I asked a friend of mine, I don't 25 A. No. 25 know, maybe a year and a half or so ago, roughly, Page 127 Page 129 Q. You haven't seen his expert report; correct? 1 who's a thoracic surgeon to walk me through the 1 2 operating room to see the pre- and post-op and talk A. I have not. 2 3 about the use of the Bair Hugger warmer which we use. 3 Q. And what about Ulatowski; have you seen his 4 Q. Do you think using the Bair Hugger as a 4 expert report? 5 A. Who? 5 office warmer using it off label? O. Ulatowski? 6 6 (Laughter.) 7 7 A. I don't know about that. A. No. 8 Q. At the time of the meeting in Washington, 8 MR. COREY GORDON: You have no idea what D.C., what did you three discuss? 9 goes on in my office. 10 A. Pretty much that Holford, who's a professor 10 Q. Well have you -- have you -- I mean, have you checked -- have you done any swabs on Corey of statistics, was going to look at the statistics 11 11 part of the McGovern study. And then I had a draft of Gordon's skin to see if he has a higher bioburden than 12 12 my own report, I don't know that I brought it, but I 13 13 anvone else? said I would send that to the other two to give them 14 A. I don't really have to answer that, do I? 14 sort of background on where my thinking was. And then 15 (Laughter.) 15 16 Dr Samet --16 Q. If you did, I really want you to answer it. 17 17 Q. Dr. Samet or Dr. Borak? (Laughter.) 18 A. I'm sorry. I'm sorry. Dr. Borak. 18 A. I like your sense of humor. MS. ZIMMERMAN: Both are Jonathans; right? 19 MR. GOSS: Kind of like walking next to pig 19 20 THE WITNESS: Yeah, that's right. 20 pen. A. So Dr. Borak was particularly interested in 21 21 (Laughter.) looking at the rivaroxaban issue, which we consider a 22 22 MR. COREY GORDON: I don't get no respect. 23 confounding problem. 23 Q. Did you --24 (Interruption by the reporter.) 24 Did you look at the Bair Hugger device with THE WITNESS: Confounding issue in the 25 a blanket attached? 25

Page 130 Page 132 A. Yeah. in this case? 1 1 2 2 O. Okav. MR. COREY GORDON: Object to the form of 3 A. Yeah. 3 the question. 4 Q. And have you felt the air coming out of 4 A. I didn't rely on 3M to provide me all the 5 the -- underneath the blanket? 5 information. I really did much as I can to find what 6 A. Yeah, you can feel it, yeah. Getting -- The 6 was in the literature in addition to whatever was 7 warmth, you mean. 7 given. 8 Q. Yeah. 8 Q. Are you aware that 3M is doing a pilot study 9 A. Yeah. 9 in the U.K.? 10 Q. You agree that the temperature of the air 10 A. I'd heard that in one of the depositions but coming out of the blanket is warmer than the body I don't remember -- I don't know any details, nothing. 11 11 12 12 temperature. Q. All right. A. I think it is. I mean, it's set at, like, 13 13 MR. ASSAAD: Let's take a break for the 14 14 42, 43, and -court reporter. Q. I mean, because if the air coming out was 15 15 THE REPORTER: Thank you. below body temperature it would actually cool the (Recess taken from 11:29 to 11:43 a.m.) 16 16 17 patient; correct? 17 BY MR. ASSAAD: 18 A. It would cool the patient. 18 Q. I just want to go back with respect to Exhibit Number 5. That was attached to your report in Q. Okay. It would be ridiculous to think that 19 19 20 the air coming out of the Bair Hugger is below body 20 Walton. You don't disagree with that; correct? temperature; correct? 21 A. I don't remember it actually, I'm sorry to 21 22 22 A. Yes. say. 23 These are getting tough now, these 23 Q. So you did a lot of work on Walton; correct? 24 questions. 24 A. I did. I tried to look at that carefully --25 25 Q. They are, aren't they? Q. Okay. Page 131 Page 133 Well there's some experts believe, on the 1 A. -- and I just can't remember that. 1 defense side, that the air coming out of the Bair 2 Q. And in fact you -- you know, a lot of the 2 work you did in Walton, except for, you know, stuff 3 3 Hugger is less than 36 degrees. MR. COREY GORDON: Object to the form of 4 4 the question, that mischaracterizes the evidence, 5 6 6

misstates the evidence.

- Q. Because that would be ridiculous to think that you'd blow cold air on a patient. That would be unethical. Correct?
  - A. These days what we know now, yes.
  - Q. Okay. Now you didn't rely --

Looking at Exhibit 5, in formulating your opinions in this case you did not rely on any of the internal documents provided to you during the Walton case; is that fair?

A. That's true.

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- Q. Okay. And in fact would it be fair to say that you probably haven't looked at those documents provided to you in Walton since 2015?
  - A. That's probably true.
- Q. Okay. So if I asked you what documents are 21 in that set, you would have no idea. 22
  - A. That's probably right.
- 24 Q. Okay. Do you believe that 3M gave you all the information necessary to formulate your opinions

dealing directly with Walton with the medical records, you used in your report -- or you had that information that you used in your report in this case; correct?

A. I'm sure there are parts in both, yeah.

Q. Okay. I mean, you didn't start from scratch in this case.

A. No.

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Q. Okay. Do you know how much you billed in 11 12 Walton?

A. Total?

O. Yes.

A. I don't remember. I don't -- Maybe somebody 15 16 here has it, but. 17

Q. Well by the way, when did you -- when did you retire from Virginia Commonwealth University?

A. So, formally 2013.

Q. 2013. So you were retired by the time you started the Walton case; correct?

A. Well, you know, if you were to ask me why'd you do that, it was -- a lot of it was timing, you know, I've always been interested in taking care of

these patients. I've never done really a lot

34 (Pages 130 to 133)

Page 134 Page 136 medical/legal. 1 1 you --2 2 Q. Well that really wasn't my question. Q. Greenberg Traurig? 3 My question was you were retired by the time 3 A. Yeah. I would just -- If you need that. 4 Q. Did you bill any time for Johnson? you started the Walton case. 5 5 A. Yeah, that's right. A. Probably, yeah. 6 Q. Okay. 6 Q. Do you know how much you billed for Johnson? A. Right about that time, yeah. 7 A. No. I think -- I lumped them together when 7 8 Q. Okay. And so after you retired was -- was 8 I ---9 your -- was most of your income based on doing the O. Okav. Walton case? 10 A. -- gave you that figure, so -- and I'm not 10 A. No. I was fine without it, and the motive 11 trying to be cagey, I just don't remember. 11 wasn't income, because I've never really done much of Q. So basically since two thousand -- since you 12 12 began in -- began working on this case --13 this. It was just curiosity and timing. 13 Q. So what were your sources of income after 14 A. Yeah. 14 15 Q. -- you approximate over \$300,000. 15 you retired? A. Yeah. A. Oh, I have a very good retirement from 16 16 17 TIAA-CREF. 17 Q. And my understanding is you -- you billed Q. I understand you have a retirement plan, but over \$300,000 to do a -- a literature review and to 18 18 my question is: Besides your retirement plan, what formulate opinions off the literature. 19 19 MR. COREY GORDON: Object to the form of 20 other income did you -- do you have besides --20 A. Besides retirement? 21 the question. 21 Q. Uh-huh. A. Yeah, to -- Yeah. I mean basically I 22 22 reviewed the literature, came up with opinions, did my 23 23 A. Occasionally giving talks, sometimes --24 yeah, I guess Social Security, if that's what you're 24 best to cite all the articles, pro or con. 25 Q. Okay. So the answer to my question is asking, as well. Page 135 Page 137 1 Q. Would you agree with me that most of your 1 "correct." 2 income that you've received since 2013 was -- was most 2 A. Yeah. Yeah. 3 likely from working on the Bair Hugger case? O. Okav. A. No, I would disagree with that. I would 4 A. Well I just made sure that we're -- we're on 4 5 guess somewhere a quarter to a third maybe in the last 5 the same wavelength. 6 couple years --6 O. Okav. Did vou --7 Q. Okay. 7 Did you keep an accurate -- accurate time of 8 8 A. -- of the total. -- of what you did in this case? Q. Now I'm not talking about your pension 9 A. Yeah. I have the actual hours by month -income. I'm talking about non-pension income. 10 10 O. Okav. A. Oh, of non-pension income, yeah. This --A. -- and by day. 11 11 12 This is a large portion of that. 12 Q. Are they underestimated hours, or did you 13 Q. What percentage? 13 work on --A. Oh, it's probably, you know, except for --14 14 A. Oh, no. I -- When I sit down, you know, if It's huge. It's probably 80 percent or more, yeah. 15 15 it's 12:15 I put 12:15. If I get up for a break at 1, Q. Okay. Can you give me roughly how much 16 16 I put 1. you -- you billed in Walton? 17 17 Q. Okay. And you also had an assistant that 18 A. I'm guessing 90,000, something like that, 18 worked on this case; correct? A. Yes. 19 but --19 20 Q. Okay. 20 O. Ms. Briley? A. -- don't hold me to it. Go ask them. 21 21 A. Yes. Q. And who is she? Q. Around that, give or take 10,000? 22 22 23 A. Go ask them. Yeah. 23 A. She's been my assistant for a long time, and 24 Q. Do you have those invoices still? 24 I don't pay her a salary any more, so she helps me do A. I don't think so, but they do, I think, so the legal things that I need done, you know, getting 25

Page 138 Page 140 the manuscripts, writing various drafts of the paper, 1 Q. But there are invoices that you've worked on planning any kind of travel that I might have to do 2 a Bair Hugger case prior to December 2015. 3 related to the case. 3 A. You're talking about the earlier cases? 4 Q. Walton and Johnson. 4 Q. Is she a -- like a secretary? 5 5 A. Yeah, sort of, but a -- more of a senior A. Yeah, that's right. 6 administrative type secretary, yeah. 6 Q. Okay. And based on my calculations, the 7 7 Q. Does she do any research for you? invoices that were provided to us from you total about 8 8 \$213,000. Does that sound about right? A. No. 9 O. Okav. 9 A. That's about right, I think. I don't know 10 (Discussion off the stenographic record.) 10 exactly, but it sounds right. (Wenzel Exhibits 6 - 7 marked for Q. And for Ms. Briley it was \$6,860. That 11 11 identification.) 12 sound about right? 12 13 13 A. I don't know. I didn't add up hers, but. BY MR. ASSAAD: 14 Q. Okay. But you're not going to disagree with 14 Q. What's been marked as Exhibit Number 6 and Number 7 are invoices provided to the plaintiff in the invoices; correct? 15 15 this case from you. Does that look like your A. No. 16 16 17 invoices? 17 O. Does she --18 A. Yes. Does she keep all the money that she charges 18 Q. Okay. And these are invoices that you 19 19 for? 20 provided to 3M in working on this case; correct? Or 20 A. Yeah. It all -- It goes directly to her. their attorneys? 21 Q. Okay. 21 22 A. I tried to keep that separate. 22 A. I provided them to the legal firm. Q. When I say "3M," I'm referring to 3M or 23 23 Q. And this money goes directly to you, it 24 their attorneys. 24 doesn't go to Virginia Commonwealth University; 25 25 A. Okay. correct? Page 139 Page 141 Q. So it seems that your first invoice on 1 A. That's true. 1 Exhibit Number 6 is dated December 7th, 2015; correct? 2 2 Q. Okay. Do you have a company that it goes A. So I have the righ -- Oh, 6. I'm sorry. So 3 to, or it just goes to you personally? where -- What page are you on? 4 4 A. No. 5 Q. Look on the first page of 6, it's December 5 O. Okav. 7th, 2015. Or that's invoice for Ms. Briley. A. I haven't become sophisticated like that. 6 6 7 A. That's for -- That's for Barbara Briley, Q. And it seems like you spent -- the total 7 8 8 yeah. number of hours spent is 380 hours -- 380.75 hours. 9 Q. Okay. Well if you look on I guess your 9 That sound about right? first invoice, which is dated June 6, 2016 on Exhibit 10 A. Probably right. 10 11 Q. Okay. And Ms. Briley spent about 196 hours; 6? 11 12 A. Yeah. Let me go through it. I don't know 12 correct? 13 where we are. Oh. 13 A. Well I didn't add that up, so I'm assuming How many pages in are you? 14 you're right. 14 15 Q. About six. 15 Q. Okay. A. If it matches this, you know. 16 A. Okay. 16 17 Q. Okay. And that's your invoice is for each Q. Okay. So that's the total of, you know, 17 month from December 2015 to May 2016; correct? 18 over 500 hours between you and Ms. Briley. 18 A. Should be, yeah. A. Umm-hmm. 19 19 20 Q. Okay. So basically the first invoice 20 O. Is that correct? provided to defendants in this -- or to the plaintiffs 21 21 A. Yeah. in this case that we have is for December of 2015; 22 Q. Okay. And approximately how many hours did 22 23 23 you spend on the Walton-Johnson case? correct? A. Yeah. Looks like that's the first one 24 A. I don't know. I mean, that's why I said the 24 25 total might have been close to \$90,000, so. 25 there.

	Page 142		Page 144
1	Q. And you charge how much per hour?	1	patient warming; correct?
2	A. Six hundred.	2	A. In what?
3	Q. So 90,000 divided by 600 equals about 150	3	Q. Patient warming.
4	hours. This sound about right, give or take?	4	A. A expert in patient warming?
5	A. That sounds about right.	5	Q. Yeah.
6	Q. Okay. So so far between you and M	6	A. Only as it is influenced in this case with
7	Did Ms. Briley work on the Walton case?	7	the infectious disease part, but not
8	A. I think she did, yes.	8	Q. And everything that you opine is going to
9	Q. Do you know how many hours that she billed?	9	be
10	A. I don't, actually. Don't remember that.	10	A warming.
11	Q. So between you and Ms. Briley, and not	11	Q is going to be based on a literature
12	counting her time on Walton, the two of you spent over	12	review and not your own personal
13	720 hours on this case.	13	A. That's true.
14	A. Yeah. Sounds about right.	14	Q directed research.
15	Q. Okay. Did you ever recommend to 3M to	15	A. Yes, that's
16	let's to do a study?	16	(Interruption by the reporter.)
17	A. No.	17	(Discussion off the stenographic
18	Q. Okay. Why not?	18	record.)
19	A. I haven't met with 3M.	19	Q. Correct?
20	Q. Or their attorneys.	20	A. Yes.
21	A. Ask the attorneys to do a study?	21	Q. Okay. You're not an expert in operating
22	Q. I mean, hey, why don't you recommend you	22	room design; correct?
23	should recommend to 3M to do a study?	23	A. Correct.
24	A. I have never asked them that.	24	Q. Have you read any of the ASHRAE articles or
25	Q. Okay. You're not an expert in aerobiology;	25	chapters regarding operating room design?
	Page 143		Page 145
1	correct?	1	A. Don't think so.
2	A. I'm not an expert in aerobiology.	2	Q. Are you aware that it is estimated between
3	Q. You're not an expert in microbiology;	3	one million to 900 million skin squames are shed
4	correct?	4	during a two- to four-hour surgery?
5	A. In what?	5	MR. COREY GORDON: Object to the form of
6	Q. Microbiology?		·
		6	the question.
7	A. Well, I'd caution you there. I mean, I	7	the question.  A. So I didn't go to the primary literature but
7 8	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious	7 8	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.
9	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and	7 8 9	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?
9 10	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.	7 8 9 10	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.
9 10 11	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.	7 8 9 10 11	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in
9 10 11 12	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a	7 8 9 10 11 12	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?
9 10 11 12 13	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a I don't have a degree in microbiology.	7 8 9 10 11 12 13	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.
9 10 11 12 13 14	<ul> <li>A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.</li> <li>Q. But you're not an microbiologist.</li> <li>A. I'm not a</li></ul>	7 8 9 10 11 12 13 14	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert
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9 10 11 12 13 14 15 16	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between	7 8 9 10 11 12 13 14 15 16	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.
9 10 11 12 13 14 15 16 17	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an	7 8 9 10 11 12 13 14 15 16 17	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but
9 10 11 12 13 14 15 16 17	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an orthopedic surgeon.	7 8 9 10 11 12 13 14 15 16 17 18	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but you're not an expert in particle flow; correct?
9 10 11 12 13 14 15 16 17 18	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an orthopedic surgeon.  Q. You don't consider yourself an expert in	7 8 9 10 11 12 13 14 15 16 17 18 19	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but you're not an expert in particle flow; correct?  A. In particle flow, no. I'm not.
9 10 11 12 13 14 15 16 17 18 19 20	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an orthopedic surgeon.  Q. You don't consider yourself an expert in medical device design; correct?	7 8 9 10 11 12 13 14 15 16 17 18 19 20	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but you're not an expert in particle flow; correct?  A. In particle flow, no. I'm not.  Q. Do you agree with me that Dr. Elghobashi is
9 10 11 12 13 14 15 16 17 18 19 20 21	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an orthopedic surgeon.  Q. You don't consider yourself an expert in medical device design; correct?  A. That's true.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but you're not an expert in particle flow; correct?  A. In particle flow, no. I'm not.  Q. Do you agree with me that Dr. Elghobashi is an expert in particle flow and turbulent air?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an orthopedic surgeon.  Q. You don't consider yourself an expert in medical device design; correct?  A. That's true.  Q. You don't consider yourself an expert in	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but you're not an expert in particle flow; correct?  A. In particle flow, no. I'm not.  Q. Do you agree with me that Dr. Elghobashi is an expert in particle flow and turbulent air?  MR. COREY GORDON: Object to the form of
9 10 11 12 13 14 15 16 17 18 19 20 21	A. Well, I'd caution you there. I mean, I think microbiology is the basis of infectious diseases, and in that interface between micro and infectious disease I am an expert.  Q. But you're not an microbiologist.  A. I'm not a  I don't have a degree in microbiology.  Q. Okay. You don't consider yourself an expert in orthopedics; correct?  A. Only the interface, again, between orthopedics and infectious diseases. I'm not an orthopedic surgeon.  Q. You don't consider yourself an expert in medical device design; correct?  A. That's true.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the question.  A. So I didn't go to the primary literature but I've seen that in a couple depositions.  Q. Do you disagree with that?  A. No reason to disagree or agree.  Q. Okay. You have no experience in operating-room airflow; correct?  A. Any experience, no.  Q. Okay. You don't consider you're an expert in operating airflow?  A. That's true.  Q. I think I've asked you this before, but you're not an expert in particle flow; correct?  A. In particle flow, no. I'm not.  Q. Do you agree with me that Dr. Elghobashi is an expert in particle flow and turbulent air?
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Page 146 Page 148 correct? 1 Do you know what the first law of 1 2 thermodynamics is? 2 A. Yeah. I didn't understand most of it. 3 Q. Did you --3 A. No. I know you like to ask that question, And you didn't have an opportunity to 4 but I don't know it. 4 5 compare our expert's report to defense expert's 5 O. How do you know I like to ask that question? 6 report; did you? 6 A. Somewhere in -- you were deposing somebody 7 7 A. No. Only what I saw on Science Day, and it was one of your earlier questions. 8 8 Q. Okay. Do you agree that hot air is less basically. 9 Q. Okay. And you're not an expert in turbulent 9 dense than cold air? If you know. 10 10 A. Yes, I think. Less dense, yes. flow; correct? Q. You've seen a hot air balloon; correct? 11 A. In turbulent flow? No, I'm not an expert in 11 12 12 turbulent flow. A. Yes. Q. Okay. And hot air balloons actually rise; 13 O. Okay. Have you read the Complaint in this 13 14 14 correct? case? A. I think I may have read it at the time of 15 15 A. Yeah, they do. Walton, and -- I remember seeing that. Q. Okay. You're not going to disagree with the 16 16 17 O. Okav. 17 laws of thermodynamics; are you? 18 A. More recently I don't think I looked at 18 A. I have no idea what the law of thermodynamics is. 19 19 anything. O. Okay. Okay. You're going to defer to the 20 Q. What is your understanding of plaintiffs' 20 claims in this case with respect to the mechanism of 21 engineers in this case. 21 A. To you. injury of a Bair Hugger causing a -- an infection? 22 22 23 A. My understanding is that the plaintiffs are 23 Q. To me? You'd defer --24 saying that there is heat generated from the Bair 24 A. Yeah. Hugger, and it creates currents, particularly --25 25 Q. -- to me as well. Okay. Page 147 Page 149 including, at least, a downflow current towards the 1 Unfortunately, I can't testify. 1 floor, whipping up some kind of particles into the air 2 (Laughter.) 2 3 near the operative site, and therefore they think that Q. Which is a good thing, because I think Corey 4 the Bair Hugger, having done that, relates to 4 would love to take my deposition. 5 infections. That's my understanding. 5 And you agree with me that skin squames have Q. You don't disagree that the Bair Hugger 6 6 a mass: correct? generates heat; correct? 7 7 A. "Have a mass"? You mean they're not just 8 8 A. It does generate some heat. energy, is that what you're asking? Q. Well do you know how much heat? 9 9 Q. Yes. 10 10 A. Yes. A. I don't. Q. Okay. Well you used the term "some." Do Q. Okay. And you agree with me that gravity 11 11 12 you know -- You're just -- you're not --12 exists in an operating room; correct? You're not quantifying it; correct? 13 13 A. It exists everywhere. 14 A. I'm not. 14 Q. Okay. Now just so I understand your opinion, assuming that the plaintiffs' engineering 15 Q. Okay. You do agree that the Bair Hugger, 15 the holes are facing down; correct? 16 theory is correct that the hot air causes contaminated 16 17 air from underneath the operating table to rise to 17 A. Yes. 18 Q. Onto the patient? 18 above the operating room surgical table, is it correct A. Yes. that your opinion is going to be that since you 19 19 20 Q. In an orthopedic surgery. 20 believe that most of the surgical-site infections are caused by the patient's flora, that the effect of the 21 A. Yes. 21 Q. Okay. So you do agree that it creates 22 Bair Hugger is irrelevant? 22 23 current, air currents. 23 MR. COREY GORDON: Object to the form of 24 A. I think it does. 24 the question, incomplete hypothetical. 25 25 Q. Okay. And you agree that --A. I've told you separately I think most

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- infections come from the patient flora, no question. 2 Now you're asking me a hypothetical assuming that
- everything that the plaintiffs say is correct, would
- that have an influence. And it might, but that's an 5 assumption.
- 6 Q. So -- So if the plaintiffs are correct that 7 the Bair Hugger causes contaminants from underneath 8 the operating room floor to actually go into the -above and into the surgical site, that may have an 10 effect on your opinion?
- A. If everything that you say was validated, 11 12 and I don't -- I don't think we're there yet, in this 13 hypothetical situation, it might contribute. We have no data, I think, to really convince people that the 14 Bair Hugger actually leads to infections. 15
- Q. Okay. How do we get there? 16
- 17 A. How do we get the data?
- 18 Q. Yeah.
- A. Well what I've tried to do is do the 19 20 following.
- 21 Q. Well I understand what you did. You said 22 we're not there yet. That was your -- That was your 23 answer. So how do we -- What would you do today to
- 24 determine the answer to that question? Not looking at
- 25 literature in the past, but what would you do today?

of, like, what's underneath the operating room table; 2 correct?

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- 3 A. Yeah, because you said that's where it 4 starts.
  - O. And you want to do microbio -microbiological sampling of the patient's flora in the wound.
  - A. Right.
- 9 Q. Okay. And I think you said one other 10 microbiologic sample.
  - A. It would have to be in the air --
  - Q. Okay.
- A. -- because you said it comes up in the air. 13 14 in your hypothetical.
  - Q. So what's in the air before you turn the Bair Hugger on; correct?
- 17 A. Before and during.
- 18 Q. Okay, during.

19 And then you want to also determine which 20 patients obtained infections; correct?

- A. Right. Right.
- Q. And so for total hip and total knee you 22
- 23 might need 10,000 patients. 24
  - A. A lot of patients.
  - Q. Okay. And so that study would be very,

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- 1 A. So if -- if there, you know, was a study
- that was being planned, one of the things I would do
- is link the -- what was found in the air,
- 4 microbiologically, with what was found somewhere else,
- not on the patient flora, if you could do that.
- Because you're positing that things come up from the 6
- 7 floor. And link what's on the floor, link what's in
- the air and link what's in the patient's wound, and
- show me it's the same -- pick a organism, Staph
- 10 aureus, with the same fingerprint. 11
  - Q. Okay. And how many patients do you think you would need to do that study?
    - A. I don't know.
    - Q. Like -- Like 50, a thousand, 10,000?
- MR. COREY GORDON: Object to the form of 15 the question, lack of foundation. 16
  - A. Well --

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- Q. And I'm talking about with respect to a total hip or total knee arthroplasty.
- 20 A. You'd need a lot of patients to show -- to show that. And you have to do a multi-centered study, 21
- 22 and we'll get a statistician to look at what you'd
- 23 expect. But I, off the cuff, wouldn't come up with an 24 answer.
- 25 Q. So you'd want to do microbiological sampling

1 very, very expensive; correct?

- A. Ten thousand patient would be expensive.
- Q. Okay. And to do all that microbiological sampling would be expensive too.
  - A. Right. Truth is costly sometimes.
  - Q. Okay. And -- And you agree with me, based on your experience of doing research, that probably the only person that would ever fund a study such like that or -- would be the manufacturer of the device.

MR. COREY GORDON: Object to the form of the question.

- A. I'm not sure if NI -- it'd take awhile to get NIH involved in that, but at least I'd give it a try if I were really going to go into that.
  - Q. But the NIH, you know --
- A. But typically they don't --
- O. -- funds very little studies.
- A. Typically they don't get into devices and --But the mechanism might be important as a general surgery issue. Forget just hips and, you

21 know, prostheses.

- So if you could expand it, I wouldn't be surprised that, you know, a well written, general
- 23 24 surgery person could maybe convince them to do -- to
- 25 look at it.

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Q. When you say "the mechanism," what do you mean by "the mechanism"?

A. In other words, if the question is what's the pathogenesis of surgical-site infections, that's what I would be asking in the front end. And if you said it's not just that we're going to look at hips and knees, because the numbers might be very high, but let's look at some general surgery patients.

The reason, for example, that Kurz and Melling looked at the patients they did, particularly Kurz, because of the high infection rate with colorectal surgery.

- Q. But colorectal is a -- is a -- is considered a dirty surgery; correct?
  - A. It is. It's clean contaminated.
- Q. Clea -- Okay. Well there's clean, there's clean contaminated, and then there is --

What's the third one?

- A. Contaminated where you've cut across a tube, essentially. So in other words, gallbladder duct, something like that.
- 22 Q. So cutting into the -- the colorectal area 23 is not considered contaminated?
- 24 A. I think it depends on how much spillage 25 there is.

once the infection is present, once you have the biofilm, then it's -- it's much harder to cure and almost always you have to then replace the -- the joint because the foreign body is going to hold the organisms there.

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But if you said what's the initiation phase I think you still start with the flora, patient flora. And I think the patient's flora is there at the time of surgery, at the time of the incision. That's my current thinking.

Q. Okay.

A. And then once the infection -- because I know that you've discussed with other people, you know, biofilm. That's a different story. Once you have that, the therapy and then the -- the late pathogenesis, there's no question, if that's what you're asking, is different in a device-related infection than a non-device-related infection.

Q. So is it your opinion that the infection dose for a implant infection is the same for a superficial wound infection? Is the infection dose --A. You know we know so little about infectious

dose, but I think the initiation might be -- I don't know. I don't know how to answer that question for sure.

Page 155

Q. Okay.

2 A. And then contaminated obviously if there's already --

Q. Okay.

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5 A. -- an infection.

O. So you want to look at the mechanism of injury with respec -- look at the mechanisms across the board; correct? Is that what I'm understanding?

A. No. If you were going to design a study, you know, my label would be what's the pathogenesis of surgical-site infections. And I think, you know, so far what I've learned is that it's the patient's microbiome that's the source.

Now what I think you're getting at is a very interesting question. What's -- How does it get from the source to the wound? And you're positing, in your hypothetical, that maybe it's not the patient's microbiome but it's something on the base of the floor being wafted up. So I would like to try to put that to rest one way or another.

That make sense? I'm trying to...

Q. You agree that implant surgeries are more susceptible to infection than non-implant surgeries.

A. Well let's pause for a second. I'm not sure the pathogenesis of the initiation is different, but

Q. Well if you don't know you can say you don't 1 2 know.

3 A. Yeah. So I don't know, --

4 Q. All right.

A. -- there aren't...

6 Q. That's fine.

> A. But I thought we were talking hypotheticals, and that's --

9 Q. Well you mentioned -- you discussed the rabbit studies and the mice studies; correct? 10

A. Yeah. Right.

12 Q. And many of those studies, and we can go 13 through them if you want, but let's try to get here --14

A. Yeah. No. That's --

Q. -- out of here by six o'clock.

A. Yeah. No. That's fine. Yeah.

17 O. Most of those studies indicated that when 18 there is an implant the infectious dose is much less than when there's no implant. 19

20 A. I think in general that's true.

21 Q. Okay.

> A. There's probably less based on the animal studies, yeah.

24 Q. And in fact if you looked at the rabbit 25 study, and let's go to --

Page 158 Page 160 A. I'm thinking you're probably looking for the 1 Q. The reason why I ask is they also have 1 groups I, II, III, IV in Roman numerals. 2 end of the... 2 3 Q. Yeah, you're right. 3 THE WITNESS: I'm glad you said something (Interruption by the reporter.) 4 4 there [to counsel]. 5 A. The end of the report. 5 (Discussion off the stenographic record.) 6 Q. Okay. Page 77. 6 (Wenzel Exhibit 8 marked for A. Yeah. 7 7 identification.) 8 Q. Okay. So --8 BY MR. ASSAAD: 9 And you've looked at these studies; correct? 9 Q. Doctor, Exhibit Number 8 is the -- is the 10 A. I have. That's where I made the table from. 10 Southwood article referred on page 77 of your report of Exhibit 1; correct? 11 and... 11 12 Q. Okay. 12 A. Yes. A. And this doesn't -- I don't mean to imply 13 O. Okay. Let's look at --13 it's a comprehensive look, but it's a sample. 14 Let's explain to the ladies and gentlemen of 14 And what I come away with is the infecting 15 the jury what ID50 means. 15 dose varies by which animal and which mechanism that A. It's the dose of organism that will infect 16 16 17 you're infecting the animal. 17 50 percent of the subjects --Q. But in the Southwood study of 1985, when a 18 Q. Okay. 18 medullary inoculation with prosthesis, which means A. -- as opposed to the dose, you know, which 19 19 they actually kept the prosthesis in; correct? required to infect 10 percent or a hundred percent. 20 20 21 A. Right. 21 Q. And a dose would be considered a CFU? Q. Okay. The other ones they did not keep the 22 22 A. In this case, yes. prosthesis in; correct? The other three --23 23 Q. Okay. So in this case it would be a CFU; 24 They had four different routes of infection; 24 correct? 25 A. Yes. 25 correct? Page 159 Page 161 A. I didn't count them all, but they're -- you Q. Let's turn to Figure 2 on page 230 of 1 1 2 know, they're -- they're numerous, yeah. 2 Exhibit 8. It's the second page. Q. Okay. 3 A. Table 2, or Figure 2? 3 A. This was the intravenous study. Is that the 4 4 Q. Or Figure 2. I'm sorry. 5 one you're referring to? 5 And they talk about four different types of Q. Yeah. Hold on one second, just pulling it 6 ways they infected the rabbit; correct? 6 7 up so that we're on the same page. A. Yeah. I'm trying to remember the study. 7 8 8 They had four groups; correct? Yeah. 9 A. I don't remember exactly, but. 9 Q. One was --Q. You have route of infection number IV here 10 The first one was medullary, they infected 10 at -- near the top; correct? 11 the actual implant; correct? 11 A. Okay. All right. 12 12 A. Yes. Q. And --Q. Then they did medullary but they took out 13 13 the prosthesis; correct? 14 A. Oh, I see what you're saying. These four, 14 yeah. 15 A. Yes. 15 16 Q. And --16 Q. And then they did a delayed intravenous and (Discussion off the stenographic record.) an intravenous; correct? 17 17 18 MR. COREY GORDON: Is that roman numeral, 18 A. Yeah. Q. Okay. And let's look down at the 19 or is that intravenous? 19 20 THE WITNESS: Oh, that's -- No, it's "I-V," 20 calculations they did, and it says: "In Group I (medullary peroperative inoculation) ID50 equals 1.3 21 21 intravenous. times 10 to the 1.114"; correct? MR. ASSAAD: Oh, it's "I-V"? Okay. 22 22 THE WITNESS: Yeah. That's why I thought A. Where are we? 23 23 you meant the studies here. 24 Q. The description of Figure 2. The small 24 25 writing right below the figures. BY MR. ASSAAD:

Page 162 Page 164 A. Oh, I see. Okay. The range of inocula? 1 A. Well it's not just skin, the -- what I cited 1 was the total flora on the body. Yeah. (Witness reviewing exhibit.) 2 2 3 Q. Okay. That means how much bacteria --3 Q. I understand. But the total flora, there's what's the effective dose for 50 percent when you --10 times more flora on our skin than actual skin 4 you add back -- add CFUs to the implant; correct? 5 cells. 6 A. Yeah. 6 A. Yeah. 7 Q. Okay. Have you calculated what 1.3 times 10 7 Q. Okay. And the flora is bacteria; correct? 8 to the 1.114 is? 8 A. When you say flora, it's bacteria, it's 9 9 A. No. It's low. It's a small number. fungus --Q. Uh-huh. I'm going to calculate it for you, 10 Q. Okay. 10 let me see if you agree with me. A. -- some parts of the body it's virus. 11 11 A. It's probably 15 or 20. Q. Okay. So in fact you could say that for 12 12 every skin cell there's -- there's 10 flora, on O. 1.3 times 10 to the 1.114. [Calculating.] 13 13 About 17; correct? 14 average. 14 A. I was pretty close. 15 A. So for every skin cell there are 10 -- Yeah. 15 Q. Okay. Or, I'm sorry, 1.7. Is it 1.7? I'm 16 16 sorry. Let me calculate it again. [Calculating.] 17 17 A. There might be more bacteria, yeah. It's below 20; correct? Whatever it is, it 18 Q. So in fact a skin squame could carry more 18 than three or four bacteria. 19 is: correct? 19 20 A. It's low. 20 A. Okay. I haven't looked at that recently, Q. That's a very low number; correct? 21 21 but yeah. A. Yeah. 22 22 Q. But the math -- the math makes sense; 23 Q. Okay. Compared to the in -- the infection 23 correct? 24 dose for groups II, III and IV, which are 10 to the 5; 24 A. Okay. 25 Q. Do you agree? 25 correct? Page 163 Page 165 A. I think I've seen up to --A. Yeah. 1 1 2 Q. Okay. Which are very large numbers; 2 Q. Okay. 3 A. -- four or five. 3 correct? 4 A. They're big numbers. Bigger than 10 to the 4 Q. Okay. And some might have a cluster on it 5 5 that might have 20, 30. 6 A. Yeah, I don't know that. 6 Q. So you agree with me then when -- at least in the rabbit case, that when -- the infective dose Q. Okay. I mean, bacteria go into clusters; 7 7 8 when a bacteria gets on the implant is much lower than correct? 9 when it's not on the implant. 9 A. They do clump. 10 A. That's what the study showed. 10 Q. Okay. And they could clump as few as 3 and Q. And do you disagree with that study? 11 as many as hundreds. 11 12 A. No. 12 A. Yeah, I don't know about hundreds. I just -- I just can't say I know that, but maybe. 13 Q. Okay. And in fact you agree with me that 13 one skin squame can carry, you know, multiple CFUs. O. More than ten. 14 14 A. I think I've read that, that they can car --15 15 A. Yeah. can carry, sometimes, several, up to three or four or 16 Q. Probably more than twenty. 16 something. 17 A. I don't know. 17 18 Q. Even more. 18 Q. Okay. So there is a difference with respect MR. COREY GORDON: Object to the form of 19 to the infection dose of an implant if the bacteria 19 20 the question. 20 lands on an implant as compared to the -- if the Q. I mean, you agree with me that there is 10 bacteria lands on -- on skin. 21 21 times more bacteria on our skin than actual skin 22 22 A. That's not what they really showed. They didn't say "land on." They injected it. 23 23 cells. 24 A. Than actual what? 24 Q. Okay. Well --25 A. That's different. Surgeons don't go in and 25 O. Than our skin cells.

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shoot a number of organisms into the joint. 1

- Q. Well you agree with me that -- forget about the way it -- the bacteria gets there, okay, whether or not it's -- it's injected. I mean, the bacteria got to the joint in this case; correct? To the -- the prosthesis.
  - A. But how can I forget how they got there?
- 8 Q. Okay.

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- 9 A. I'm not sure --
- 10 Q. So is that a limitation of the study?
- A. Oh. Well if you want to posit that the air 11 is important, nobody has done the infectious dose by 12 13 the air.
  - Q. Well that would be unethical, wouldn't it, in a human?
    - A. Well that would be unethical in a human, but you could count, in the study that I was proposing, or in another study, show me that one organism in the air, a markered orga -- markered species that landed later into the wound, not start with the wound and go out, --
  - Q. Let me ask you this --
- 23 A. -- and then caused an infection with that 24
- same --25
  - Q. Okay.

1 infections came from the bacteria that was in the air, 2 would that change your opinion with respect to whether 3 or not bacterial load in the air has a -- has a impact

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on periprosthetic joint infections?

A. Well --

MR. COREY GORDON: Object to the form of the question, --

8 A. Yeah.

9 MR. COREY GORDON: -- misstate --10 mischaracterizes his testimony.

THE WITNESS: Thank you. I didn't mean to 11 12 interrupt, but.

A. So one of the things you would like to know is if there's an organism in the air and if we did this hypothetical study where we actually had good microbiology; did it start, first of all, in the flora of the patient, the microbiome, somehow get into the air -- I mean, I can imagine how that might happen, and then land -- or are we talking about a totally different organism that started on the ground, which is what you postulated initially, got whipped up by a device and then hung over the wound and then caused the infection.

- Q. Are you asking me a question?
- 25 A. Well, no. I'm just trying to answer you.

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- A. -- genus and species and same fingerprint.
- Q. Let me ask you this question. 2
- A. Yeah. 3
- 4 Q. If Darouiche's study, the one that came out 5 recently which you emailed him about. Do you recall 6 that?
  - A. Yeah.
  - Q. Okay. He did a microbiology study and it indicated that the -- the bacteria came from the air, you know, because of the increased bacterial load over -- over the surgical site. Would that change your opinion in this case?
  - A. What he showed was a correlation between particles and bacteria and the four infections, and he modeled that to get the correlation.
  - Q. And your criticism of him is that he didn't do any microbiological testing.
  - A. That's one, yeah, sure. I think that's important.
  - Q. Because you're not sure whether the bacteria came from the flora or from the air; correct? The patient's flora or the air.
    - A. Yeah.
- 24 Q. Okay. If he did do microbiological testing
- and indicated that the bacteria that caused the

- O. Well let's see -- let's go to the Darouiche 1 2 article just a couple things.
  - A. Okay.
  - O. You do understand that he found a correlation between bacterial load in the air and periprosthetic joint infections, but no correlation with superficial wound infections.
    - A. That's what he said, yeah.
    - Q. Do you agree with that?
    - A. Yeah. No, he said that.
- Q. Okay. But do you have any disagreement of 11 12 that, --

13 MR. COREY GORDON: Object to the form of 14 the question. 15

- Q. -- or criticism of that?
- A. He's reporting what he found, and I'm saying if that's what he reported, that's what we'll go with.
- Q. Well, doctor, you've done a huge literature review and you've agreed with some articles, you've disagreed with some articles. I'm asking: Do you disagree with that conclusion?
- A. On his? No.
- 23 O. Okav.
  - A. I mean, that's what he found.
- 25 Q. Okay. And you don't disagree with it.

Page 170 Page 172 A. Yeah. 1 AFTERNOON SESSION 1 2 2 Q. Okay. So you agree that the bacterial (Deposition reconvened at sampling over the surgical site in the Darouiche study 3 approximately 12:53 p.m.) has a direct correlation with periprosthetic joint BY MR. ASSAAD: 4 5 infection, you just don't know where that bacteria 5 O. Are you ready to continue, doctor? 6 came from. Is that correct? 6 A. Sure. Thank you. Q. Let's go to page 77 of your report regarding 7 MR. COREY GORDON: Object to the form of 7 8 8 the animal studies. the question. 9 A. I surely don't know where the bacteria came 9 A. Okav. from, and he certainly didn't match it to his four 10 Q. And you cited these studies because you 10 infections. It's a very small number of infections, believe they help you formulate your opinion; correct? 11 11 but he didn't match it. 12 12 A. Yes. Q. And you believe that they're authoritative; 13 Q. But we do know that when the bacterial load, 13 the CFUs were increased over the -- over the surgical 14 correct? 14 site that there was a statistically significant 15 15 A. Yes. Q. Okay. Let's go to the New Zealand study of increase in periprosthetic joint infections; correct? 16 16 17 A. That was his correlation, absolutely 17 white rabbits? 18 MR. COREY GORDON: Exhibit 8? 18 correct Q. And you don't disagree with that. 19 19 A. Oh, Craig? Okay. 20 A. No. 20 MR. COREY GORDON: Oh. I'm sorry. 21 Q. Okay. Your -- Your criticism is you don't 21 Q. And that's a -- They used 10 animals, and they inoculated the -- the rabbits with 10 times 5 to know whether that bacteria came from the patient's 22 22 10 times 8 CFUs; correct? flora or from somewhere else, and there needs to be 23 23 24 further testing to determine that. 24 A. Yeah, I have 10 to the 2, 10 to the 4. 25 A. Has to be a lot more testing to know whether 25 Maybe I missed that somewhere. Page 171 Page 173 or not any of those bacteria he found were involved in 1 Q. The third one down, New Zealand --1 2 A. Oh, third one down. 2 the infections. Q. Yes. 3 Q. Okay. So we need to do microbiological 3 4 testing. That's your criticism. 4 A. Oh, okay. 5 A. Absolutely. 5 Q. I'm sorry, that's the second New Zealand. 6 A. All right. Okay. 6 Q. Okay. 7 A. And, you know --7 Q. New Zealand likes their rabbits, I guess, 8 8 Q. Okay. huh? 9 A. -- what -- what, three Staph and one mixed 9 A. Yeah. Okay. Got it. 10 Q. So you agree that study wasn't -- it was 10 infection. just to show the mechanism of these implants getting (Discussion off the stenographic record.) 11 11 infected, they didn't look at inoculation dose. 12 MR. ASSAAD: Let's take a break for lunch, 12 A. Well a lot of studies in fact are trying to 13 guys. 13 get as high a infected dose so they can actually track 14 THE WITNESS: Okay. 14 THE REPORTER: Off the record, please. what's going on with these type of infections rather 15 15 16 (Luncheon recess taken at 16 than scaling up the dose to know exactly what the ID50 17 is, for example. 17 approximately 12:23 p.m.) 18 18 Q. Exactly. 19 And this study, if you recall, they were 19 20 20 looking about ho -- tracking the infection and they did MRIs and everything. Do you recall? 21 21 A. Umm-hmm. 22 22 Q. "Yes"? 23 23 24 24 A. Yes. 25 25 Q. Okay.

	Page 174		Page 176
1	(Discussion off the stenographic record.)	1	were data that I had, some clinical data, where it
2	(Wenzel Exhibit 9 marked for	2	didn't support it, so you know that.
3	identification.)	3	Q. But you disregard the the these
4	(Discussion off the stenographic record.)	4	authors here that did this study that said that the
5	BY MR. ASSAAD:	5	that that the main source of contamination in total
6	Q. Doctor, you've read this study; correct?	6	joint replacement is wound infection via operating
7	A. I have.	7	room.
8	Q. And you relied upon this study; correct?	8	You disregard that; correct?
9	A. I did.	9	A. I disagree with that. That had nothing
10	Q. Okay. Let's go to the "Discussion" section	10	related They didn't look at where the organisms
11	on page 3 of this study.	11	came from here. They had them in the syringe and
12 13	A. Okay.	12 13	injected them.
14	Q. On the second paragraph under "Discussion" it says: "Because the main source of contamination in	14	Q. Okay. But that's why they injected them the
15	total joint replacement is wound infection via	15	way they did; correct?  MR. COREY GORDON: Object to the form of
16	operating room air, we attempted to mimic	16	the question, also lack of foundation.
17	perioperative contamination by inoculating the	17	Q. I mean
18	bacteria into the joint immediately after wound	18	A. I don't know why they did what they did, but
19	closure."	19	they do say that they they think it's airborne. I
20	Did I read that correctly?	20	disagree with that.
21	A. Yes. That's what they say.	21	Q. It says
22	Q. You disagree with that; don't you?	22	A. They injected animals, and that's the kind
23	A. I do.	23	of dose that they used to get infection.
24	Q. Okay. So disagree with a study that you	24	Q. "we attempted to mimic perioperative
25	think is authoritative; correct?	25	contamination by inoculating the bacteria in the joint
	~		
	Page 175		Page 177
1	A. Well the focus I had was on the infecting	1	immediately after wound closure."
2	A. Well the focus I had was on the infecting dose.	1 2	immediately after wound closure."  Did I read that correctly?
2 3	A. Well the focus I had was on the infecting dose. Q. Okay.	3	immediately after wound closure."  Did I read that correctly?  A. Yes.
2 3 4	<ul><li>A. Well the focus I had was on the infecting dose.</li><li>Q. Okay.</li><li>A. That's what I was trying to get at.</li></ul>	3 4	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of
2 3 4 5	<ul> <li>A. Well the focus I had was on the infecting dose.</li> <li>Q. Okay.</li> <li>A. That's what I was trying to get at.</li> <li>Q. Well this didn't really talk about infecting</li> </ul>	3 4 5	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint
2 3 4	<ul> <li>A. Well the focus I had was on the infecting dose.</li> <li>Q. Okay.</li> <li>A. That's what I was trying to get at.</li> <li>Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the</li> </ul>	3 4	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air;
2 3 4 5 6 7	<ul> <li>A. Well the focus I had was on the infecting dose.</li> <li>Q. Okay.</li> <li>A. That's what I was trying to get at.</li> <li>Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected,</li> </ul>	3 4 5 6 7	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?
2 3 4 5 6 7 8	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?	3 4 5 6 7 8	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.
2 3 4 5 6 7 8 9	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?  MR. COREY GORDON: Object to the form of	3 4 5 6 7 8 9	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.  MR. COREY GORDON: Object to the form of
2 3 4 5 6 7 8 9 10	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?  MR. COREY GORDON: Object to the form of the question.	3 4 5 6 7 8 9 10	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.  MR. COREY GORDON: Object to the form of the question, lack of foundation.
2 3 4 5 6 7 8 9 10	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?  MR. COREY GORDON: Object to the form of the question.  A. What	3 4 5 6 7 8 9 10 11	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.  MR. COREY GORDON: Object to the form of the question, lack of foundation.  Q. Going to page 78.
2 3 4 5 6 7 8 9 10 11 12	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?  MR. COREY GORDON: Object to the form of the question.  A. What Q. Correct; "yes" or "no"?	3 4 5 6 7 8 9 10 11 12	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.  MR. COREY GORDON: Object to the form of the question, lack of foundation.  Q. Going to page 78.  A. Okay.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?  MR. COREY GORDON: Object to the form of the question.  A. What Q. Correct; "yes" or "no"? A. In other words, I'm trying to find any data that I could, at least in a brief survey, of what it takes to infect the joint, Q. Okay. So you like A and this was one of the studies. Q. So you like to take you like to take the data that supports your position A. No. Q and then disregard data that doesn't support your position; correct? A. No, that's not true.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.  MR. COREY GORDON: Object to the form of the question, lack of foundation.  Q. Going to page 78.  A. Okay.  Q. Under the sheep model,  A. Yeah.  Q Williams D. L.,  A. Yeah.  Q the Journal of Biomedical Materials; correct?  A. Yes.  Q. They inoculated the sheep with only 10 CFU; correct?  A. Yeah, on the membrane.  Q. Okay. And that's not that many CFU;
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Well the focus I had was on the infecting dose.  Q. Okay. A. That's what I was trying to get at. Q. Well this didn't really talk about infecting dose, this was more of, like, what occurs when the patien when the when the rabbit gets infected, and following the infection by doing MRI; correct?  MR. COREY GORDON: Object to the form of the question.  A. What Q. Correct; "yes" or "no"? A. In other words, I'm trying to find any data that I could, at least in a brief survey, of what it takes to infect the joint, Q. Okay. So you like A and this was one of the studies. Q. So you like to take you like to take the data that supports your position A. No. Q and then disregard data that doesn't support your position; correct? A. No, that's not true. Q. So you think that	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	immediately after wound closure."  Did I read that correctly?  A. Yes.  Q. And they did that because the main source of contamination, according to them, in total re joint replacement is wound infection via operating room air; correct?  A. That's what they said.  MR. COREY GORDON: Object to the form of the question, lack of foundation.  Q. Going to page 78.  A. Okay.  Q. Under the sheep model,  A. Yeah.  Q Williams D. L.,  A. Yeah.  Q the Journal of Biomedical Materials; correct?  A. Yes.  Q. They inoculated the sheep with only 10 CFU; correct?  A. Yeah, on the membrane.  Q. Okay. And that's not that many CFU; correct?
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Page 178 Page 180 Q. Okay. And in fact isn't it fair or accurate 1 A. That's what I'll know from this study. Or 1 2 2 that in this point in time you have absolutely no sheep, in this case. 3 opinion to the amount of CFUs required to cause a 3 Q. And as little --4 periprosthetic joint infection? 4 When you're injecting as little as 17 5 A. What I would say is that I think -- I think 5 bacteria. 6 it's fewer organisms to cause a periprosthetic 6 A. They're very low numbers, yeah. Q. But the rabbit study we showed 17 --7 infection than with a non-periprosthetic infection. 7 8 If you asked me to come up with a number, it's harder 8 A. Yeah. to find that. You want me to pick a number and? 9 Q. -- bacteria based on the IV -- for 50 Q. I don't want you to guess. 10 percent of the population from rabbits; --10 A. Yeah. A. Yeah. 11 11 Q. -- correct? Q. I mean, I'm looking at your last paragraph. 12 12 13 A. I think that's right. 13 A. Yeah. 14 14 Where was that where you're referring to? Q. I mean, you do say, "It is generally thought that with a foreign body (joint prosthesis), the 15 O. On the first one, the Southwood. 15 infecting dose of bacteria is less than that for A. The Southwood. Okay. 16 16 17 surgeries in which no foreign device is placed"; 17 Yeah. 18 18 O. Okay? correct? A. Yeah. 19 19 A. And I stand by that. Q. Okay. You just don't know what the 20 20 Q. And that's for 50 percent of the population 21 infecting dose is; correct? 21 to infect; correct? 22 A. Of animals, right. 22 A. That's true. 23 Q. But we could agree, based on some of the 23 Q. Okay. So that means 17 CFUs would infect 50 24 rabbit models, that it could be as low as 17. 24 percent of the rabbits in that scenario. 25 A. No, that's not true. In the experimental 25 A. If you inject them. Page 179 Page 181 model, yes, you can create an infection by injecting 1 Q. If you inject them. 1 organisms directly into the joint or injecting 2 Which means that there is a percentage of 2 organisms into the vein. That's not what surgeons do 3 3 people that -- percentage of rabbits that require less 4 4 when they're putting a prosthesis in. They don't take than -a syringe of Staph, inject it directly into the joint 5 5 A. Might be. Q. -- 17 CFU --6 or put it into the IV. 6 7 Q. Can we agree at least that it's at least a 7 A. Might be. magnitude of 100 times less between a superficial and 8 O. -- to cause an infection. 9 a prosthetic? 9 A. Yeah. A. I don't know -- I don't know what the number 10 10 O. Okav. (Interruption by the reporter.) is, so I've told you that. I think it's going to be 11 11 12 less. I don't know. 12 BY MR. ASSAAD: 13 Q. How much less? 13 Q. And in fact if you go back to Exhibit Number 14 8, you see that under Figure 2 that as little as one 14 A. I don't know. 15 You asked me to, you know, come up with a 15 CFU could cause an infection in the rabbits under the number, and then you say, well don't guess, because 16 medullary graph. 16 there just aren't the data. 17 A. 1.3 times 10 to the something. 17 18 Now the other thing to tell you related to 18 Q. No. I'm looking at the graph itself. You -- You want to jump from here to people, which is see where -- You see where it says "Medullary (no 19 19 prosthesis)", it starts around 20? 20 fine --20 21 Q. I don't want to jump to people yet. 21 A. Yeah. A. -- you know, but, you know, to infect a 22 22 Q. Okay. That means for anything below 20 23 rabbit by injecting it into the joint, I would say, 23 times 10 to the X there was no infection; correct?

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A. Yes.

Q. But with the medullary where there was a

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yes, it takes very few bacteria.

Q. Okay.

Page 182 Page 184 superficial surgical-site infection; correct? Which prosthesis you agree that it almost starts at zero. 1 1 A. It's very low. 2 2 is --3 Q. Very low. Less than 17. 3 A. There are superficial. A. Yes. 4 4 Q. -- pretty much the skin area and the first 5 MR. COREY GORDON: Object to the form of 5 couple layers, the first --A. Yeah. 6 the question. 6 7 7 Q. Okay. Then you have a deep joint, which can Q. Okay. 17 CFUs was for the 50 percent; 8 correct? 8 include the -- or --9 A. That's what they found. 9 So you could have a deep -- a deep 10 Q. Okay. 10 infection, right, which could include the joint or may (Wenzel Exhibit 10 marked for not include the joint; correct? 11 11 12 identification.) 12 A. Yes. 13 13 O. And then you have a periprosthetic joint BY MR. ASSAAD: 14 O. What's been marked as Exhibit 10 are emails 14 infection which definitely includes the joint; between you and Dr. Darouiche that was provided to us. 15 15 correct? This look like the email that you've had between him? A. That is the same. 16 16 17 A. Yes. 17 O. Okav. Q. And I just want to talk about one thing. A. I would use the same. 18 18 During -- During --Q. You'd use the same? 19 19 A. Yeah. 20 You questioned him about this study in 20 21 formulating your opinions in this case; correct? 21 Q. You've never seen it in the literature where 22 A. Yeah. 22 it's been distinguished? 23 Q. Okay. And in fact one of your questions was 23 A. No, I said I would -- I would say a 24 whether or not a forced-air warming device was used in 24 periprosthetic joint is a deep joint infection, yeah. the operating room during his -- during the study in 25 Q. Okay. But a deep joint infection may not Page 183 Page 185 which he compared biological load and surgical-site -include the peripros --1 and periprosthetic joint infections; correct? 2 A. May not. 2 3 3 A. Yes. Q. Okay. 4 4 Q. And you found out that all patients were (Interruption by the reporter.) 5 used -- were given a warming device; correct? 5 Q. A deep joint infection may not include a A. That's what he said. periprosthetic joint infection; correct? 6 6 7 7 Q. Okay. That's all I have. A. Yes. 8 8 What is the difference between a superficial Q. Okay. And in fact you agree with me that 9 surgical-site infection and a periprosthetic joint 9 you could have a periprosthetic joint infection and 10 not have a superficial surgical-site infection. 10 infection? A. Well a deep infection would be that at the 11 11 A. Yes. 12 fascia level or below. 12 Q. Okay. And in fact you could have a Q. Is a deep joint infection different than a periprosthetic joint infection and not have a -- a 13 13 periprosthetic joint infection? deep wound infection. 14 14 15 A. I would classify them the same as deep 15 A. Yeah, I can't cite anything where I know 16 infection. 16 that, yeah. Q. Well you could have a deep infection but not Q. And you agree that with respect to a 17 17 18 have -- but it doesn't reach the joint; correct? 18 periprosthetic joint infection, that the most likely A. Could possibly, yeah. time that a -- a patient obtained the bacteria that 19 19 20 Q. Okay. 20 causes the periprosthetic joint infection was during A. But by that time you're in trouble, yeah. the time that the patient was in surgery. 21 21 Q. You're in trouble, but there is a 22 MR. COREY GORDON: Object to the form of 22 23 distinction; correct? 23 the question. 24 A. There could be, yeah. 24 A. Yeah, most people think that's the time when 25 25 Q. Okay. I mean, there is technically a things happen.

Page 186 Page 188 Q. You don't disagree with that. that's just common knowledge; correct? 1 1 2 2 A. No. A. Yes. 3 Q. Okay. Now let's just assume that we're 3 Q. I mean in fact there's really no prospective dealing with a -- a periprosthetic joint infection study that washing hands reduces the incident of 4 5 that is not also a superficial wound infection. You 5 infection; is there? 6 agree that the bacteria that causes the infection 6 A. I think there's lots of studies that show 7 7 occurred perioperatively. that 8 A. Yes, --8 Q. Prospective or retrospective? 9 MR. COREY GORDON: Object to the form of 9 A. Probably I would go back to Semmelweis. the question. 10 O. Okay. 10 A. -- I think so. 11 (Interruption by the reporter.) 11 Q. As compared to someone having an untreated 12 (Discussion off the stenographic record.) 12 superficial wound infection that tunneled down to the A. Do you understand his studies? 13 13 14 Q. I know the study, but wasn't that 14 ioint. A. I see what you're saying, yes. 15 retrospective? 15 Q. Okay. So you agree with that; correct? 16 A. He was there through the whole time. 16 17 A. Yeah. 17 (Discussion off the stenographic record.) Q. And what is your opinion on what is getting 18 Q. But in any event, we agree that if devices 18 that are used during a surgical procedure are infect -- what -- where the bacteria is -- where the 19 19 contaminated, they may cause infections. 20 bacteria is when a periprosthetic joint infection --20 And let me rephrase. That was a bad question. Strike 21 A. If you have a contaminated instrument, it's 21 22 certainly possible that something might happen and the 22 that. 23 23 patient could get infected. You agree it's possible that the implant 24 itself could have bacteria on it before it's even 24 Q. And that -- that would be considered an 25 exogenous source; correct? placed in the joint. Page 187 Page 189 A. Is it possible that --1 A. It would be considered an exogenous source, 2 but let's make sure that we have the terms down. If Q. Yes. A. -- that it could happen? 3 3 the -- If the instrument that you are saying in this 4 hypothetical case actually was contaminated with the Q. Yes. 4 5 A. I can't cite a study but, you know, I never patient's own flora, then we have to have a little bit say "always" or "never." 6 6 more strict definition. Q. Well, for example, if a person handling the Q. And I understand that. And that's why after 7 7 implant prior to placing it into the -- into the 8 usually the first incision they change the scalpel so joint, if the person's hands are not sterile and has 9 they don't infect the wound with the patient's flora; contaminants you might contaminate the implant; 10 correct? 10 11 MR. COREY GORDON: Object to the form of 11 12 A. So in a hypothetical situation if somebody 12 the question, assumes facts not in evidence. 13 contaminates the implant, the implant is contaminated. 13 A. As far as I know that's correct, yeah. 14 Q. Okay. I mean, you do understand that 14 Q. Yes. A. Yes. orthopedic surgeons and the hospital staff in an 15 15 16 Q. Okay. And, I mean, with everything, even 16 operating room have -- place procedures and techniques instruments, we sterilize instruments because we don't to reduce the risks of infection during an operating 17 17 18 want contaminated instruments to cause infection; 18 procedure. A. Surgeons hate to have an infection. 19 correct? 19 20 A. That's right. 20 Q. Okay. Q. There's been studies that sterilization of 21 21 A. They really never want to have one. Q. And in fact are you aware that many 22 instruments reduces the incident of infection; 22 23 23 surgeons, before they touch the implant, change their correct? 24 gloves? 24 A. I think so.

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Q. I mean, otherwise -- I mean -- I mean,

A. Yes.

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Q. Okay. Because they don't want to infect the implant; correct?

MR. COREY GORDON: Object to the form of the question.

Q. Because if you -- if bacteria gets on the implant, it may form biofilm and cause a serious periprosthetic joint infection; correct?

MR. COREY GORDON: Same objection.

- A. What I would say about biofilm, biofilm is -- occurs after the organisms are onto the implant. So contaminated hands don't cause a biofilm. The organisms land on a site, there is a process under which quorum sensing occurs, and you know what I'm talking about. And with quorum sensing then the biofilm is formed. It's sort of like a broadcast email to the other organisms to start making biofilm.
  - O. And I understand that.

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My question was that the -- I'm not saying that the surgeon transfers biofilm. Listen to my question.

The surgeon changes his gloves because he doesn't want to contaminate the implant; correct?

- A. I think that's correct.
- Q. Okay. And the reason why you don't want to cause an im --

there's very little vascularity to the implant.

A. It's the --

THE WITNESS: Go ahead. I'm sorry. MR. COREY GORDON: No. Go ahead.

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- A. It's the low vascularity and the biofilm I think are a couple of key --
  - Q. Is there any vascularity to an implant?
- A. None.
- Q. Okay. So you would agree with me that once someone has an infected implant, giving the patient antibiotics without any type of vascularity is pretty much ineffective.
- A. That's not true. There are people in Switzerland that have actually gone to drugs that penetrate the biofilm. Examples of such antibiotics include the fluoroguinolones and rifampin.

(Interruption by the reporter.)

THE WITNESS: Fluoroquinolones. Sorry. Fluoroguinolones and rifampin.

A. And they've been able to spare patients -and I don't know totally what the follow-up is, so -but 6 to 12 months later, without having to take the implant out. This is a hot area that people are

24 trying to look at, because it's devastating to have

25 the implant removed.

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And the reason why he changes his gloves is because he doesn't want to place any bacteria on the implant: correct?

- A. I think he wants to minimize any possibility.
  - Q. Okay. And then after the im --

And then the implant is placed, and that bacteria, at a later point in time, may cause biofilm, which would make it very difficult for the body to fight off.

- A. In that scenario it could happen.
- Q. Okay. And in fact they do all this to not infect the patient; correct?
  - A. Surgeons hate to have an infection.
- Q. And have you yourself looked at an implant under an electron microscope?
- A. No.
- Q. Okay. Are you aware that an implant is not smooth and there are many crevices for bacteria to place themselves in?
- A. Well I haven't looked at one, but it doesn't surprise me, but I haven't looked at one.
- Q. Okay. And you understand that the reason why the body has a difficult time removing an infection or bacteria from an implant is because

1 Q. I understand. And -- And that's in --2 And that's in Switzerland, you said?

A. Yeah.

- 4 Q. Okay. But in the United States are we using 5 those drugs yet?
  - A. We are.
- 7 Q. Okay. And you don't know how effective they 8 are.

A. They look effective, and so when we're treating these infections, we're -- you know, trying to cool things down if it's already infected, we will often use a drug that penetrates biofilm; one of those two drugs, plus other antibiotics. So that's going

Are there patients in this country where you can't, for some reason, maybe a very old person who couldn't tolerate a surgery, as an example. Are they getting these drugs? Yes, they are, to try to spare them to have a surgery. With some success.

- O. Are these drugs done intravenously, or is it direc -- are they inoculated directly with the antibiotic right onto the implant?
- 23 A. Actually both are bio-available orally.
  - Q. Okay.
  - A. The fluoroquinolones and rifampin.

49 (Pages 190 to 193)

Page 194 Page 196 Q. But usually --1 is today if you're going to use an iodophor to use one 1 with an alcohol. 2 You agree with me that most like -- the 2 standard of care and the most predominant treatment 3 Q. Okay. And in fact do you agree with me that for a periprosthetic joint infection is a two-stage 4 the CDC has stated that there's really no difference 4 5 5 between the iodophor with alcohol and the chlorhex revision. 6 A. Usually that's --6 with alcohol? 7 MR. COREY GORDON: Object to the form of 7 A. I'm not sure that's how they phrased it, but 8 8 they recommend a prep with an alcohol. the question, --9 THE WITNESS: Oh, okay. Sorry. 9 Q. Okay. Whether or not it's chlorhex or 10 MR. COREY GORDON: -- lack of foundation. 10 iodophor. A. I don't know if --11 11 A. Yeah. I think they opened the door to have 12 I think that is a standard. I don't know 12 io -- iodophor with alcohol --13 across the country how many people are doing that, but 13 O. Okav. it's often happened --14 A. -- in their recommendations. 14 Q. Okay. 15 Q. Do you -- Do you agree with the CDC 15 16 A. -- that way. 16 recommendation? 17 Q. Now are you familiar with the preparation a 17 A. Yeah. I actually think that -- that there's 18 patient goes through with respect to skin prep and probably advantages of chlorhexidine alcohol over 18 draping for a total knee or total hip arthroplasty? iodine alcohol, and that's based on the two MIMO 19 19 MR. COREY GORDON: Object to the form of 20 20 studies that I cite. 21 the question. 21 Q. And you actually reviewed the CDC 22 22 prevention -- Guideline For the Prevention of A. I'm not a sur --23 MR. ASSAAD: Basis? 23 Surgical-Site Infection in preparation of your report; 24 MR. COREY GORDON: A, it's compound; B, 24 correct? you're -- it's a one-size-fits-all question. So if 25 A. Yes. Page 195 Page 197 he -- He can't answer a compound question, and he 1 O. It's actually on Exhibit 2; correct? can't answer a one-size-fits-all question. 2 A. Do you want me to go to that? 2 3 Q. Well it's on your -- on your list. MR. ASSAAD: I'll -- Fair enough. 3 4 4 BY MR. ASSAAD: A. Okay. Yeah. Yeah. 5 Q. Have you ever seen a total hip surgery? 5 Q. What is the mechanism -- Well, strike that. 6 6 A. I haven't actually, no. Skin flora is on the skin and may be in the 7 Q. Have you seen a total knee surgery? 7 pores, correct, either the sweat glands or the 8 8 A. No. follicles; correct? 9 Q. Have you seen how a patient's prepped during 9 A. Yes. those types of surgeries? 10 Q. Does it go any deeper than that? 10 A. Only the, you know, the description that Dr. 11 A. Normally, no. 11 12 Mont gave at Science Day. 12 Q. Okay. So we have the -- we have flora that's on the skin and in the sweat glands and -- and 13 Q. Okay. 13 A. Very elaborate preparation. 14 the follicle -- the hair follicles and nowhere else. 14 Q. Okay. But you're aware of the types of skin 15 15 A. And sebaceous glands. Q. What are the sebaceous glands? preps that are used on these patients; correct? 16 16 A. You're talking about chlorhexidine alcohol? 17 A. What are they? 17 Q. Yes. A. Yes. Q. Yeah.A. They're the glands that are primarily found 18 18 19 19 20 Q. Okay. And there's other types of -- of skin 20 that secrete -- they're also below the dermis. They preps as well; correct? secrete -- I have a picture of it, I think. 21 21 A. Some people use iodophors. 22 22 Q. I believe that's where we're going right 23 Q. With alcohol? 23 now. 24 (Interruption by the reporter.) 24 A. Yeah. And --25 25 A. Today, Iodophor. And I think the tendency Do you want to wait and go to the picture?

	D 100		D 200
	Page 198		Page 200
1	MR. GOSS: 23?	1	But that could have come from I mean that
2	Q. 23.	2	there was no microbiologic study done in that case
3	A. Yeah.	3	in which you know it came from the patient, it could
4	Q. Okay.	4	have come from one of the staff members by direct
5	A. So do you want me to explain what sebaceous	5	contact.
6	glands are?	6	A. There are no
7	Q. Well I asked	7	Not that I'm aware of any microbiologic
8	So they're they're between the skin	8	studies to confirm that the same one came there. But,
9	surface and the fat; correct?	9	you know, we have sebaceous glands primarily in this
10	A. Yeah. They're below the the dermis	10	area [indicating], but they're not zero other places of
11	there, the the skin surface, right.	11	
12 13	Q. And you're saying that bac that flora	12 13	Q. I understand that. But if someone has P.
14	could be in the sebaceous glands?  A. There's no question about it.	14	acnes infection in the hip or knee, A. Yeah.
15	Propionibacterium acnes has been recognized to be	15	Q I mean it's very unlikely that it came
16	there.	16	from them.
17	Q. And that's P. acnes?	17	A. I don't know if it's unlikely.
18	A. P. acnes.	18	Q. So you don't know one way or the other; do
19	Q. Okay. But that's mostly found on the	19	you?
20	shoulders; correct?	20	A. That's right.
21	A. Shoulder and back.	21	Q. Okay. You just don't know.
22	Q. And back, but not it's not it's not	22	A. I don't know.
23	normally found in the knee or hip; correct?	23	Q. Okay. So And just roughly how far does
24	A. It's very unusual to find	24	is the sebaceous gland and the hair follicle or the
25	Q. Okay.	25	sweat gland underneath the skin surface?
	Page 199		Page 201
1		1	Page 201 A. I don't know.
1 2	A infections with Propionibacterium Q. So would you agree with me that	1 2	
	A infections with Propionibacterium		A. I don't know.
2	<ul><li>A infections with Propionibacterium</li><li>Q. So would you agree with me that</li></ul>	2	A. I don't know. Q. A millimeter?
2 3	<ul> <li>A infections with Propionibacterium</li> <li>Q. So would you agree with me that</li> <li>A otherwise.</li> <li>Q that if a patient had P. acnes infection</li> <li>that it probably did not come from the patient, or if</li> </ul>	2 3	A. I don't know. Q. A millimeter? A. I don't know. Never seen any data on that. I'm not sure. Q. You don't know how thick the skin is?
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Page 202 it's the lowest in this picture here? 1 2 A. Well in the picture it looks like it's at 3 the same level as the sebaceous glands roughly, so. Q. Okay. Well let's just say whatever is 4 5 lowest, how far do you think the bacteria is that's on 6 a patient's skin or in the glands or -- from a knee 7 ioint? 8 A. I don't know how -- what the distance is in 9 millimeters or not. Q. Okay. Well you agree that there's no -- I 10 mean, if a person is not -- doesn't have sepsis or an 11 infection there's no bacteria in the fat; correct? 12 13 A. I think that's true. 14 Q. Okay. And --15 A. No. No. Well in the fat, yeah. I think 16 that's true. 17 O. And you agree with me there'd be no bacteria in the muscle if a person doesn't have an infection. 18 19 20 Q. Ongoing infection; correct? 21 A. If they don't have an infection? Q. Ongoing infection, yeah. 22 A. Yes. 23 24 Q. Okay. And you agree with me that the --25 (Interruption by the reporter.) Page 203 Q. And you agree with me that there's no 1 bacteria in the blood if the person doesn't have some 2 3 sort of blood infection. A. By definition. 4 5 Q. Okay. Because in fact if someone had sepsis or a blood infection it probably wouldn't be a good 6 7 time to do elective surgery; correct? 8 MR. COREY GORDON: Object --9 A. To do what? 10 Q. Elective surgery. MR. COREY GORDON: Object to the form of 11 12 the question, also lack of foundation. 13 A. I don't think I understand the question I guess. 14 Q. Well if someone had an infection, an ongoing 15 16 infection. --17 A. Oh. 18 Q. -- it wouldn't be -- it wouldn't be proper 19 20 A. Oh, I see. Q. -- elective surgery. 21 A. I'm sorry. Didn't understand the que --22 23 Yeah. I try to --24 MR. COREY GORDON: Wait until he finishes.

THE REPORTER: Yes, please.

25

A. So to answer the question. One of the things that you want to do for any surgery that's elective is not to have any source of infection anywhere.

5 O. Okay. So you mentioned that there is the --6 the chlorhex with alcohol and the io -- iophorm [ph]?

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A. Iodophor.

Q. Iodophor with alcohol.

What percentage of the bacteria do those prep solutions kill?

A. I don't think I know the answer to that, but 11 12 a high proportion.

O. 99.9? 13

A. I don't know.

15 O. You don't know?

A. Might be, but I don't know. I can't cite 16 17 any -- And if I answer you I want to try to cite the 18 reference, that's what I'm saying.

Q. Okay. So sitting here today, you don't know.

21 A. No.

22 Q. Okay. And does it kill the bacteria that's

23 in the -- the subacaneous -- or the sebaceous gland? 24

A. No, it doesn't.

25 Q. Okay. What about the sweat glands?

Page 205

1 A. No.

Q. What about the hair follicles? 2

A. No.

Q. Okay. So is it your opinion that the most likely cause of a periprosthetic joint infection is that the bacteria is most likely coming from the -either the sweat gland, the sebaceous gland or the hair follicle?

A. That's too general a statement. For example, the reason I say that, there are people who've done things like skin preps. You first -- You know, Daeschlein did a study just to look -- from Germany -- using an alcohol skin prep and he still finds bacteria in about 8 to 10 percent of people after the prep. And then during the surgery you can find more.

If I go back to the people who've looked at, let's say, shoulder surgery, first of all, you know, you saw from my report that I -- one study that was very large showed 21 percent of infections of the shoulder due to P. acnes. That's the implant. If you look at just rotator cuff we're talking 50, 55 percent of infections, rotator cuff, are P. acnes. If you look at spine repair for scoliosis, again about 50 percent are P. acnes. That's where the organism

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Now if you -- peo -- I've -- I've quoted Sethi and Matsen and the -- a Japanese study that showed the organisms are there at the time of the incision, before the -- after the prep, before the incision. And Shiono's study with the spine and the back where they're repairing scoliosis. So 36 percent of the time after the prep they can find P. acnes. And then when they go in and actually look at the 10 lamina, immediately exposing the lamina, it's already colonized in something like 25 or 35 percent.

So to me that comes back to the microbiome, back to the fact that we don't have a perfect skin disinfectant or antiseptic, rather, and the organism's there.

Q. For P. acne. 16

17 A. Yeah. That's the marker organism because it's hard to track, you know, a Staph epi, for 18 19 example.

- Q. Is there Staph epi in the hair follicles?
- 21 A. Not that I'm aware of, no.
- 22 Q. Is there Staph epi in the -- in the glands?
- A. Don't think so. 23
- 24 Q. What about Staph aureus?
- 25 A. No.

1 we're going to get to the nose issue.

2 I'm talking about where we're looking at the 3 skin here --

- A. Yep.
- 5 O. -- on page -- on -- I'm just trying to 6 determine what's the most likely source of the 7 different type of bacteria. 8

So if you look at page 23, okay?

- A. Yeah. I've got it.
- 10 Q. The only bacteria that you are aware of that would reside in the glands or the hair follicles is P. 11 acnes; correct? 12
  - A. That's all I know.
- 14 Q. Okay. So if a patient was infected with 15 anything besides P. acnes, the most likely source, from looking at this picture, Figure 4 on page 23, 16 17 would be the skin surface; correct?
  - A. That's my current hypothesis. I haven't seen a lot of studies. I can tell you about the sternal surgery for CABG with or without.
    - Q. Well I just want to know what your opinion is.
  - A. Yeah.
    - Q. I don't need to know your studies.
- 25 A. No. I'm just trying to say why I say what I

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Q. What type of bacteria are in the glands?

- A. The one that I've talked about is P. acnes.
- 3 Q. Okay. So that's the only bacteria that 4 vou're aware of --
  - A. That's the only one that I'm aware of --
- 6 Q. Okay.
  - A. -- and it links to the --
- 8 Q. So would it be fair to say that if a person
- has a Staph aureus or a Staph epidermis or -- Strike
- that -- if a person doesn't have a P. acnes infection, 10 that the most likely -- according to the most likely 11
- 12 source of the infection would be from the skin and not 13 the glands.
  - A. For Staph aureus, the source --
  - Q. Staph aureus, MRSA, Staph epidermidis. Everything besides P. acnes.
    - A. Yeah. Let me just refine a little bit.

So carriers of Staph in the nose are, you know, always at higher risk than non-carriers, two to three times fold for Staph infection. It turns out if you're a carrier in the nasal microbiome, you have a high chance of carrying it somewhere else, perineum,

23 groin, axilla, as you know. 24 Q. And I'm just talk --

We're going to get there, and I promise you

do or don't say what I do. 2

Q. So -- So my understanding is is that the skin prep, such as the chlorhex with alcohol or the other skin prep, would be able to reach the -- all the bacteria that's on the skin part of the patient's

flora except for P. acnes; correct?

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A. No, that's not true. They're ineffect --They could reach the area.

- Q. That was my question. They could reach it.
- A. But they don't -- they're not effective in eradicating all the flora there.
- 12 Q. That wasn't my question. I said they could 13 reach it.
  - A. Yeah.
  - O. Correct?

16 They can't reach P. acnes because it's 17 underneath --

(Interruption by the reporter.)

- Q. They can't reach P. acnes because it's below 19 20 the skin; correct? The -- The skin prep.
- A. The currently used antiseptics don't 21 22 reach --
- 23
  - Q. Okay.
    - A. -- down into the sebaceous glands.
- 25 Q. Okay. But they could reach the skin

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- 2 A. They reach the surface. It's put on the 3 surface.
  - Q. Okay. And therefore the question is how much of the bacteria do they eradicate, the effectiveness of the skin prep; correct?
    - A. So say it again to make sure I got you.
  - Q. It reaches all the bacteria on the skin surface, the skin prep, the issue is what percentage of the bacteria it kills.
  - A. It's better to go back to the Darouiche study to say that if you start with a -- you know, an iodophor and compare it to chlorhexidine alcohol, chlorhexidine alcohol is a better, more effective skin prep than iodophor, reducing all surgical-site infections by 40 percent. Follow-up study with Tuul -- with Tuuli, thirt -- 45 percent, so it's very consistent.
  - Q. And you would agree with me that all those studies you're referring to are looking at superficial wound infections.
  - A. Well --
- O. "Yes" or "no"? 23
- 24 A. I'm trying to think whether there were any 25 deep infections in those. I think Darouiche had some

- 1 superficial.
- 2 Q. Are you aware that the surgeries that he 3 looked at were colorectal, small intestinal, 4 gastroesophageal, biliary, thoratic, gynecologic or 5 urolo -- urologic operations?
  - A. Yes.
    - Q. None of them had to do with total hip or --

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- 8 A. That's --
  - O. -- total knee?
- 10 A. -- true.
- 11 Q. None of them had to do with implants; 12 correct?

13 MR. COREY GORDON: Wait. Wait until he 14 asks his --

- 15 A. That's true.
  - Q. Okay. So can you -- can you identify me today a study that shows that using a chlorhex with alcohol reduces the incident of a periprosthetic joint infection?
- 20 A. I don't think a study's been done just on 21 the joints. I'm trying to remember.
- 22 O. So sitting here today there is no evidence 23 that a skin prep such as chlorhex with alcohol reduces 24 the incident of surgical -- of periprosthetic joint 25 infections; correct?

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deep infections. I don't --

Q. Which article are you --

A. -- I think --

Yeah. I thought that the Darouiche study on -- his first study that I've quoted here on -- Let me see if I can find the date. Comparing -- So I think it's -- Well, let me just not guess. (Witness reviewing exhibit.)

Wait. That'll be... So, you know, it's a New England Journal paper. Oh, I'm sorry. December 2010 New England Journal of Medicine.

- Q. And can you point me to the page you're referring to?
- A. I just remembered, so let me try to find the page I'm referring to.

16 MR. COREY GORDON: In his report, or in the 17 article?

MR. ASSAAD: In his report.

- A. Yeah, it's in my report. Okay. So it'll be probably in the microbiome section.
- Q. Would it be page 25? 22
- A. Let's look. (Witness reviewing exhibit.) 23
- 24 Yes. And I thought he talked about both.
- My recollection he talks about some deep as well as

- A. Well I would say there's no study out there. but if you take skin, the -- what we're really talking about is controlling the microbiome. And if you said to me today, I've got to get a hip replacement, I would tell you chlorhexidine alcohol, just as Dr. Reed did in his study, after awhile.
- Q. You would agree with me that if -- if a --Strike that.

If the bacteria comes from the patient's skin -- Let's take out P. acnes, okay? We could agree that P. acnes is a very unlikely cause of a infection for a total hip or total knee arthroplasty; correct?

- A. Yes.
- Q. Okay. Let's just assume all my questions is excluding P. acnes when I talk about bacteria going forward. Correct? Do you understand that?
  - A. If you want to make an assumption, yes.
- Q. Yes. How does the bacteria get from the skin to the periprosthetic joint to cause an infection during the operation? If you know.
- A. Well I have to go back to P. acnes, because it's the only study that shows that it's already there at the time of the incision, so it -- it's there. The other study I'd point to would be Tammelin's study of CABGs and Staph epi where he tried to do

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- fingerprinting to say if I look at the air, if I look
- 2 at the surgeons and if I culture the patient's legs
- 3 where the graft is for the CABG, or if I culture the
- sternum, he could find the only match that -- with any
- 5 high numbers in the sternum for Staph epi. These are
- heart studies, but it comes back to what I've said
- 7 earlier. If you have an organism, a marker organism
- 8 and you can follow it, so he's able to do a
- fingerprint on those Staph epi on the sternum. I 10 think I --
  - Q. Well I'm asking --

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I mean, my understanding is, and it's a very limited understanding, that bacteria either need to be transferred by direct contact or they can be aerosolized. They don't have legs; correct? They don't move.

- A. They can move, on the surface.
  - Q. How do they move?
- 19 A. I don't know how they move, but, you know,
- they're -- if there -- if there is an incision made 20
- across a group of bacteria, then why would you not 21
- think that they're actually going to fall into the 22 23 wound? That's a hypothesis that I have --
- 24 Q. Is there any evidence --
- 25 A. -- but nobody -- nobody knows exactly how

- A. Yes.
- 2 O. Okay. And in fact that has shown to reduce 3 the incident of superficial wound infection for total 4 hip and total knee arthroplasty; correct? 5
  - A. More than that. I mean, if I go back to Lidwell's study, he -- when he looked at the patients who had perioperative antibiotics, their deep-joint infection rate was four times greater in the group that didn't have antibiotics.

MR. COREY GORDON: You said "greater." THE WITNESS: I'm sorry.

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- A. The people who didn't get perioperative antibiotics had a four times risk of the prosthetic joint infections compared to the ones who did.
- Q. So we agree that perioperative antibiotics decreases the risk of periprosthetic joint infections?
- A. Yes.
- Q. Okay. You do agree with me that the bacteria has to get to the -- to the joint area to cause a periprosthetic joint infection perioperatively; correct?
- 22 A. Bacteria are necessary, not sufficient, yes.
- 23 Q. Okay. And when we say "get to the joint 24 area," we're getting to the prosthesis during the 25 total hip or total knee arthroplasty; correct?

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- they get from the flora to the wound. And I've said that in my report.
- O. Okay. So you have no opinion of how the bacteria get from the flora, patient's flora into the wound; correct?
- A. Not in detail. I just know that they're already present at the time of the incision.
- Q. Now do they jump from the patient's skin right into the -- into the joint, or would they go through the fascia and the mu -- and the muscle?
  - A. I don't know.
- 12 O. Okav.

MR. COREY GORDON: Wait for him to --THE WITNESS: I'm sorry.

15 MR. COREY GORDON: You gotta wait for him to finish the question. 16

THE WITNESS: Yeah. Apologize.

Q. Okay. So --

And you're aware that in many total hip and total knee arthroplasties, if not all, that patients are given a prophylactic dose of antibiotics.

- A. Patients are given antibiotics, yes,
- 23 preoperatively, perioperatively.
- 24 Q. Perioperatively. Actually before even 25 incision.

- MR. COREY GORDON: Object to the form of 1 the question.
  - A. I don't know exactly, you know, does it start above and then get moved to the joint, but that could happen, yeah.
  - O. But for the biofilm to form it has to be in the prosthesis.
  - A. Yeah, it has to be on a foreign body. Well I think in --
    - O. Most likely.
- A. I think it's more likely, you know. In some 11 12 chronic wounds they've shown biofilm. You probably 13 know that.
- 14 Q. But with respect to total hip and total knee 15
  - A. Yeah.
- Q. -- the bacteria has to get to the prosthesis 17 18 to form biofilm; correct?
  - A. I think that's right.
- O. Okay. So during the operation it's your 20 opinion that a bacteria on the patient's skin gets to 21 22 the prosthesis at some point in time to cause an
- 23 infection -- to cause a periprosthetic joint
- 24 infection.
- 25 MR. COREY GORDON: Object to the form of

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A. So I think the source of al -- of almost all infections, including periprosthetic joint infections are the patient's flora, and again the skin would be the site primarily.

And I'm not sure that I understood the complex question.

- Q. Well the bacteria that's on the patient's flora has to reach the -- the --
  - A. Has to get to the area --
- Q. -- the prosthesis --
- 12 A. I'm sorry.
- Q. -- has to get to the prosthesis during the operation.
  - A. Yes.
  - Q. Okay. Now when we talk about where the bacteria's coming from, are you talking about the skin where there -- it's been prepped and where the surgical site is, or are we talking about the fa -- the bacteria that's on the face of the patient that's underneath the drape?
  - A. I think, my -- my feeling today, is that it's primarily in the skin near the incision, and again the P. acnes studies would actually demonstrate that.

So if you look at all the people who are carriers of Staph, the most sensitive spot is going to be in the nose. We also know that there are carriers of, you mentioned MRSA, 15, 20 percent carry it only in the throat. And again I think that the nose is a marker for the increased likelihood of carriage in other places of the body.

Page 220

- Q. What's the likelihood that if you have MRSA or MSSA it's going to be on your knee?
- 10 A. The knee? I don't known. I haven't seen 11 data.
  - Q. There's no evidence that -- that the fact that you're positive in your nose or even throat, means that you have MSSA or MRSA on your knee; correct?
- A. No. But if it's the groin and you're talking about hip, for example, or a knee, is it possible? Could it happen? I don't -- can't cite a paper.
- Q. But the groin is isolated during the surgery; correct?
- A. It is isolated. I don't know how effective that is.
  - Q. Okay. Do you know what -- whether or not the drapes are permeable or impermeable in an

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Q. Okay. Now with respect to people that are carriers for MRSA or MSSA in their nose, okay, the -- What's the correct word? What is the

What's the correct word? What is the correct word for that?

- A. You talking about a nasal?
- 5 A. You ta 6 Q. Yeah.

MR. COREY GORDON: Nares?

- A. Nares?
  - Q. Yeah, the nares.

And you've talked about that in your report; correct?

- A. Yeah.
  - Q. They're carriers; correct?

You're not offering the opinion that the bacteria in the nose is actually reaching the surgical site and the prosthesis and causing an infection; are you?

MR. COREY GORDON: Object to the form of the question.

A. What I think happens is that if you're a carrier in the nose you're frequently a carrier elsewhere on the body; it can be in the hands, as shown by Reagan, et al. If you want to look at Mermel and colleagues, it's carried in the groin and the perineum and axilla as well.

1 operating room?

A. No, I don't. I haven't looked at that.

Q. Okay. But you're not saying, just so I understand you, that if you have MRSA in the nose or MSSA in the nose, that as the patient breathes out that bacteria is coming out of your nose and infecting the prosthesis.

A. I don't know how if --

Let's say, imagine in a scenario that we're just making up to have the discussion, it's a carrier only in the nose. How it gets from the nose to the wound, I don't know completely. Is it possible that that could happen? Maybe. I don't know. There are no studies that show the organism in the nose can't move, can't be blown out.

- Q. Okay. You do understand that in a total hip or total knee arthroplasty there is a huge drape that goes three feet above -- two to three feet above the patient; correct?
- A. Yes.
- Q. Okay. That separates the head of the patient --
  - A. That's right.
    - Q. -- from where the surgical site is; correct?
- 25 A. Yes. Sorry.

Page 222 Page 224 Q. And you agree with me that --A. General Clinical Micro, 1984, Lemming, 1 1 2 So are you saying that it's possible that L-E-M-M-I-N-G. I don't have the first initial. 2 the bacteria could come out of the nose and over the 3 Q. Lemming, L-E-M-M-I-N-G? 4 drape or around the drape and into the surgical site? A. Yeah. 5 A. I don't know. 5 Q. Okay. Do you know who doctor --6 Q. Okay. 6 MR. GOSS: It's actually L-E-E-M-I-N-G. A. I mean, I... I know that people who have 7 7 THE WITNESS: Oh, I'm sorry. Did I get 8 colds certainly disperse when they sneeze or cough or 8 that wrong? Q. And you just looked that up where? something, with Staph. 9 A. Yeah. Just now. O. But if the ventilation is doing what it's 10 10 supposed to be doing, it would push the bacteria down; Q. On your phone? 11 11 correct? A. I used his phone. 12 12 Q. Okay. You're pointing to Peter Goss? 13 13 A. I think so. 14 Q. Okay. Unless there was something else out 14 A. Yes, Peter Goss. there that was causing the bacteria to go up; correct? 15 Q. Did he provide the article to you? 15 16 A. He did. 16 A. I think so. 17 MR. ASSAAD: Let's take a break. 17 Q. Okay. So you didn't look it up, he just 18 THE REPORTER: Off the record, please. 18 gave --A. I did. We were both looking things up just (Recess taken from 1:50 to 2:05 p.m.) 19 19 20 THE WITNESS: Can I make just a -- you 20 to check. asked -- said earlier you didn't mind, Mr. Assaad, if Q. Well who pulled up the article; was it 21 21 I made changes, and just on break looked up the 22 22 you --23 microbiome of the sebaceous glands, and in fact I can 23 A. He did. Q. -- or Peter Goss? point to a reference for you, General Clinical Micro 24 1984, Leeming. And in addition to P. acnes, 25 A. He did. Peter did. Page 223 Page 225 Propionibacterium, both Staphylococcus, they didn't 1 Q. Okay. So my understanding is that while I'm 1 2 differentiate epi and aureus in the brief summ --2 asking you questions Peter Goss is doing some research 3 for you during this deposition? 3 (Interruption by the reporter.) THE WITNESS: -- epi from aureus, and also 4 A. Yeah, I guess you could say that. 4 5 Pityrosporum. So I want to add that to my statement, 5 MR. GOSS: Object to form. and thank you for letting me amend. 6 A. He just checked a reference for me. I was 6 7 BY MR. ASSAAD: 7 trying -- We were both trying to find stuff. 8 Q. Do you know how prevalent the Staph --8 Q. All right. 9 A. No. I have to do a lot more looking at it, 9 Do you know who Dr. Reed is? 10 A. Doctor who? 10 but --THE WITNESS: I'm sorry. O. Reed. Michael Reed? 11 11 12 MR. COREY GORDON: Let him --12 A. I don't know him, but I know who he is, yeah. He's --13 Q. So sitting here today, you don't know, like, 13 what percentage or -- or where in the human biome they 14 Q. Okay. Are you aware he's doing a pilot 14 study for 3M right now? did the sampling. 15 15 16 A. They -- They sampled the sebaceous glands. 16 MR. COREY GORDON: Object to the form of Q. But where? 17 17 the question. 18 A. I don't know. 18 A. I think that came up earlier, and I think I Q. Could it have been on the shoulder or back? 19 had heard that it might be, but I don't have any 19 20 A. Well you're asking me questions I don't 20 evidence or, let's say, direct knowledge of that. Q. Do you know Dr. Harper? 21 know, --21 Q. Okay. 22 A. No. 22 23 A. -- but I gave you a reference and wanted to 23 Q. Have you read any of his literature? 24 clear up the fact that Staphylococci can live there. 24 A. Don't think so. Q. What's the name of the reference? 25 Q. Okay. So have you read Dr. Reed's 25

Page 226 Page 228 deposition? 1 study in which they are assessing the risk of 1 A. I think so, yeah. 2 2 postoperative orthopedic implant infection which may 3 Q. Have you read Dr. McGovern's deposition? 3 be influenced by the choice of the intraoperative 4 4 warming technology? A. I don't think I know that, no. 5 5 Q. Have you read Dr. Legg's deposition? 6 A. I think so, yeah. 6 Q. Okay. Would that be information helpful to 7 Q. Have you read Dr. Nachtsheim's deposition? 7 you to see what the -- the data in that study, to 8 8 formulate your opinions of whether or not the Bair A. No. 9 Q. Have you read Dr. --9 Hugger has an effect on periprosthetic joint 10 A. I don't remember. I may have, but I don't 10 infections? A. So I don't --11 remember. 11 Q. Have you read Dr. Legg's deposition? 12 What was the hypothesis of the study? And 12 13 A. I think so. 13 you're asking me to --14 Q. So -- And you're aware, from reading 14 Q. The hypothesis is this: We postulate that articles by Dr. Reed, that he has written articles 15 the risk of postoperative orthopedic implant infection 15 critical of the Bair Hugger safety; correct? may be influenced by the choice of intraoperative 16 16 17 MR. COREY GORDON: Object to the form of 17 warming technology. We plan to investigate this through a multicenter superiority trial comparing 18 the question. 18 forced-air warming and resistive warming in adults 19 A. I'm not sure which articles you're referring 19 20 20 undergoing hemiarthroplasty following hip fracture. to. 21 Q. Well McGovern was -- Dr. Reed was on that; 21 Health/economic evaluations will form the secondary 22 22 correct? aim of this study. 23 23 Are you aware that 3M is provi -- funding a A. Yes. 24 Q. And you're aware that actually Dr. McGovern 24 study? would be -- was more -- or Dr. Reed was more senior 25 A. No. Page 227 Page 229 than Dr. McGovern at the time. 1 Q. Is that the type of study that might be 1 2 helpful in determining whether or not forced-air A. That was my understanding. 3 Q. He was more of the advisor and overlooking warming has an effect on periprosthetic joint 4 4 the whole study; correct? infection? 5 A. Yeah. 5 MR. COREY GORDON: Object to the form of 6 6 Q. Okay. And you know that -the question. Are you aware that at one time Dr. Reed was 7 7 A. Hard to know, but I love information. So if in Minneapolis and wanted to talk to the people at 3M 8 you tell me there's more information out there, I'd 9 to discuss his findings? 9 love to see it. 10 MR. COREY GORDON: Object to the form of 10 Q. Do you think a company should suppress the question, and assumes facts not in evidence. 11 research regarding the safety of a device if there is 11 12 A. I had heard that possibility, but I don't 12 liti -- ongoing litigation regarding that device? 13 know anything about that. 13 A. So hypothetically if there's ongoing litigation a company tries to suppress? 14 Q. And are you aware that 3M didn't want to 14 15 talk to him? 15 O. Research. MR. COREY GORDON: Same objections. 16 16 A. And this is hypothetical? 17 17 Q. Yes. Hypothetically. A. I don't know that. 18 Q. Okay. Well I'm going to read you what the 18 A. Yeah. Q. You think that's okay? objective of the study was, and tell me if it's... 19 19 20 MR. COREY GORDON: You talking about 20 A. I don't think --Q. Regarding the safety of a device. 21 McGovern? 21 22 A. Huh? 22 MR. ASSAAD: No. The pilot study. 23 MR. COREY GORDON: Oh. 23 Q. Regarding the safety of a device. 24 O. Strike that. 24 A. Regarding the safety, hiding data? 25 25 Q. Or -- or not -- or not --Are you aware that 3M is funding a pilot

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Or suppressing research. 1

- 2 A. Oh, suppressing research. I don't know the 3 details of what you're getting at here.
  - Q. Okay.

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- 5 A. You're trying to say somebody suppressed 6 research maybe.
  - Q. Well hypothetically speaking, if a -- a decision was made by 3M not to perform any research regarding the safety and efficacy of the Bair Hugger during this litigation, would you consider that being responsible by a corporation?
  - A. Well I think the question is really do they have information already on the safety and efficacy of the Bair Hugger, and will this add more and they will need it. I don't know. I'd like to see the whole thing laid out and what the circumstances are for or not.
  - Q. Can you identify one study that indicates that the Bair Hugger does not cause periprosthetic joint infections?

MR. COREY GORDON: Object to the form of the question.

23 A. "Does not cause."

> So I've put in my report, you know, I think everything from the two clinical trials, but

MR. COREY GORDON: Object to the form of the question.

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A. I don't know that she said that but, you know, if she said I'm not sure that that would be so.

O. And you're aware that Dr. Augustine and Dr. Sessler used that information and marketed the Bair Hugger across the world to increase sales.

MR. COREY GORDON: Object to the form of the question, and assumes facts not in evidence.

A. I'm not aware that they did that, but if that was the best data, and again if I --

Q. Well you love data, don't you?

A. I love data. That's why I'm saying it, for you. If I -- You know, if I said to you, look, here's a device that cuts down your infections by two thirds, you're saying, well I'm getting a little different operation than that one, I would still advise you this is the best data.

- Q. Where do you get that it cuts down by two thirds?
  - A. You mean the Kurz study?

22 Q. Yeah.

23 A. Yes, 15 percent in five, I'm off by maybe a 24 little bit.

Q. Okay. And -- And you heard her say recently

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1 periprosthetic. Certainly warming, I showed you the 2 study, I guess, from Holland.

O. I'm just ask --

I'm asking one question.

A. Yeah.

O. Just identify a study that indicates that forced-air warming or the Bair Hugger does not cause a periprosthetic joint infection.

MR. COREY GORDON: Object to the form of the question.

A. Yeah. I mean, I can't come up with an answer for that right now.

Q. Okay. And are you awa --You've read Dr. Kurz's deposition; correct?

A. I have.

Q. You're aware that she told 3M that her 1996 study only applies to colorectal surgeries.

MR. COREY GORDON: Object to the form of the question, misstates the evidence, assumes facts not in evidence.

A. Don't remember what she told 3M, but that's -- that's the study that she did was colorectal 22 23 patients.

Q. And it only applied to colorectal patients; correct?

1 that -- that that study would not be scientifically valid today: correct?

MR. COREY GORDON: Object to the form of the question and misstates the testimony.

A. I actually read the whole response that she said, and then later on she was questioned. Did you -- And she said, did I really say that? Because I --

8 You know, then she went on to say, I would need a

9 bigger study because, you know, so many things have

10 been done and everybody has to have a warmer. And the 11 second thing, she said it may not be two thirds, she

12 said 30 percent reduction is probably what I would see 13 today.

14 Q. In colo --

A. Still humongous, she said.

Q. Do you think there's a difference between colorectal surgery and -- and a knee surgery?

MR. COREY GORDON: Object to the form of the question.

A. Of course there's a difference, I mean. But if you said does the skin react differently, you know, or the microbiome, the body's physiology whether a

knife is on the abdomen or on a hip, I'm not sure. Q. You think, sitting here today, that the

24 25 primary source of the bacteria in a colorectal surgery

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which has a high incidence of infection, is the skin and not the colon?

A. Well they had both, actually. When you look at the organisms, if you found a Staph aureus, which they certainly found, that was part of the finding. That's not an organism commonly in the GI tract. Can be. They also found enterococcus, they had one candida. So they certainly had a mixture of what was

8 candida. So they certainly had a mixture of wh 9 in the GI tract and what was on the skin. So if 10 that's what you're asking, yes.

Q. I mean you agree with me that colorectal surgery has a high incidence of infection because it's a -- whether it's a clean contaminated or a contaminated surgery; correct?

A. That is correct.

Q. It's a much different surgery than a total hip and total knee, --

18 A. It's --

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Q. -- which is a clean surgery.

A. It's different from those operations, yeah.
But what I'm saying --

Q. Well that's all I -- that's all I need.

A. Okay.

Q. So, I mean, we agree that total hip and

25 total knee are considered clean surgeries.

performed, even internally at 3M, that they might just be trying to determine which is the best way to study and might try different types of techniques; correct?

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A. Yeah, I don't know what 3M's doing in trying to come up with techniques.

Q. But, for example, let's talk about, you know, culturing glands, okay? Let's see what grows in glands. There might be some techniques that work to determine whether or not there's bacteria in the glands, and there might be other techniques that might not work; correct?

MR. COREY GORDON: Object to the form of the question.

A. Hypothetically, yes.

Q. And as a scientist you're trying to determine, you know, if you want to collect data, which is the best way to collect data; correct?

A. I'd like to know the best way always.

Q. Okay. And sometimes you might try a method that might not work; correct?

A. Happens all the time.

Q. Okay. Happens all the time.

And when you try a method that doesn't work, do you publish that?

A. You might.

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1 A. Yes.

Q. Okay. With respect to the Leeming --Leeming article that we just referenced, are you aware that the biopsies of the skin were taken on the back?

A. No. I did -- you know, we -- this was a very quick look and wanted to see the punch line.

Q. So you would agree with me that just assume that I'm reading this correctly, that the samples were taken on the back skin -- okay, the back -- the back skin, that that doesn't indicate that there's data that these types of bacteria are on the glands in the knee or hip; correct?

A. If that's true, then that's what the study would say.

Q. Okay.

A. I'm not questioning your...

O. All right.

(Mr. Ben Gordon departed the proceedings.)

Q. And as an expert that's doing a literature review, the best evidence to rely upon are going to be peer-reviewed studies; correct?

MR. COREY GORDON: Object to the form of the question.

A. In general I think that's better.

Q. Because there are many studies that are

1 Q. You may if you've gone through a whole 2 study; correct?

A. You might.

Q. Okay. But you might not publish it; correct?

MR. COREY GORDON: Object to the form of the question, incomplete hypothetical.

A. I don't -- I don't know. I -- If you're getting to the maybe seven studies that were done by Dr. Reed and Dr. -- and his colleagues that were not published that were important data, then I probably won't agree with you.

Q. Oh. So you could have unpublished data that's important?

A. I guess what I'm saying is --

Q. Is that what you're saying? Answer my question, please?

MR. COREY GORDON: He's about to answer your question.

20 A. No. I'm trying --

MR. COREY GORDON: Don't cut him off.

A. I'm trying to answer your question. So let's go back to --

MR. ASSAAD: Simple question.

25 A. Let's go back to particles --

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MR. ASSAAD: A very simple question. 1

- Q. Okay. I'm talking to my colleague.
- 3 A. Yeah, that's fine.

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- Q. I'm just saying it was a simple question, 4
- 5 but you go ahead and answer.
- 6 A. Okay. So, you know, one of the studies, you 7 know, a series of studies that looked at particles as opposed to bacteria. And the real question is just, you know, you might find more particles, you might 10 find more heat, you might find, you know, smoke, for example, but if the -- the question then is, do -- are 11 the particles actually associated or linked with the 12 13 colony-forming units.

So in my report I have eight studies that show that no obvious signal, at least with the Bair Hugger in use, that you're going to get colony-forming units. And then through discovery find out that there were seven studies, you know, for the other side, if you will, that were not published that also showed you cannot find colony-forming units when the Bair Hugger is in use.

So when you say that -- that the peer-reviewed literature is important, I totally agree, I want that. But if there are other studies,

and I've shown you the seven, including ones where the 25

Q. That wasn't my question. Just please answer 1 2 my question.

3 A. Yeah. 4

Q. Did they provide you studies or not?

A. Okay. Look. Maybe I didn't understand. Go ahead.

7 Q. Did they provide you internal studies? Just 8 answer my question, sir.

> MR. COREY GORDON: Asked -- Objection --(Interruption by the reporter.)

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MR. COREY GORDON: Objection, asked and answered.

O. Did they provide you any internal studies? MR. COREY GORDON: Objection, asked and answered.

MR. ASSAAD: Fair enough.

A. So internal studies, I don't think I saw anything from 3M.

Q. And please, doctor, listen to my questions.

A. I'll try better. 20

Q. We have very few hours left. Let's not try to go on tangents.

23 Are you aware that 3M manipulated particle 24 data that they -- on a study that they funded?

MR. COREY GORDON: Object to the form of

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1 the question, assumes facts not in evidence.

> 2 A. Don't know anything about that. 3

Q. So 3M did not provide you the data that they did particle tests out in Holland?

MR. COREY GORDON: Same objections.

A. I don't have that data.

Q. Okay. Are you surprised that that data exists?

MR. COREY GORDON: Same objections.

10 A. I don't know how to answer that. I have --11 just haven't gotten it yet. 12

Q. Are you aware that 3M funded a study to do the effects of the Bair Hugger on particles in a laminar operating room?

A. No.

Q. Did you do independent research to determine whether or not there were particle tests conducted on the Bair Hugger?

A. Did I do research?

20 Q. Yeah.

21 A. No. I -- Everything that I did is in my 22 report.

Q. So you did not do any PubMed searches or researches to search with particle tests for a Bair Hugger?

authors said, look, we tried three different ways in five different studies to try to find colony-forming 2

units when the Bair Hugger was working, we couldn't. 3

4 So collectively I think those are use -- useful data. 5

Q. Did you look at the studies?

6 A. I did.

> Q. Okay. And they were not peer reviewed; correct?

A. Don't even know I -- whether how many were even sent for peer review. You mean the seven that I'm talking about?

Q. Were you provided any studies from 3M internally?

A. No.

Q. Okay. So 3M just provided you the studies to call -- talk about hidden studies of actual researchers that are trying to solve a problem, and they did not provide important internal studies that they have; correct?

A. Well --

MR. COREY GORDON: Object to the form of the question.

THE WITNESS: Yeah.

A. Well I guess what I found out about the studies was primarily through the depositions.

Page 242 Page 244 MR. COREY GORDON: Object to the form of 1 general between particles and bacteria. But he also 1 2 the question. did something else, he looked at the relationship 3 A. Yeah, I did. I -- I think I have those 3 between the number of particles in the air and the contamination of the wound. That did not correlate at 4 4 listed. 5 5 all. So Birgand talked about those studies in his O. You don't have the Dr. Sessler and Russ 6 Olmsted study; do you? 6 article that there were many that showed a correlation 7 A. No, I don't think so. 7 and also many that didn't show a correlation. 8 Q. Okay. So the one study that was funded by 8 Q. So can you answer my question "yes" or "no"? 3M, you don't have. 9 9 I want to know what your opinion is, not what other 10 A. Correct. 10 people say. MR. COREY GORDON: Object to the form of 11 11 A. No. I understand. I mean I'm --MR. COREY GORDON: Let him finish his --12 the question. 12 13 13 THE WITNESS: I'm sorry. O. I could read their -- I could their Q. That was done in 2011. You don't have that 14 articles. 14 15 15 study. A. Yeah. A. I don't think I have that study. Q. My question is: Does Dr. Wenzel, you, do 16 16 17 O. Okay. Are you aware that 3M has relied 17 you agree that the number of bacteria arriving in the heavily on the Sessler study in trying to market the surgical wound correlate directly with the probability 18 18 Bair Hugger device and its safety? of surgical-site infection? 19 19 20 MR. COREY GORDON: Object to the form of 20 MR. COREY GORDON: Object to the form of 21 the question, also assumes facts not in evidence. 21 the question, move to strike counsel's commentary. A. No, I don't know any of that. 22 22 A. So when you say those, you're talking about 23 Q. Doctor, you are aware that many orthopedic 23 the studies that correlate particles and bacteria are 24 surgeons care about increase of particles in -- above 24 those that land in the wound, --25 25 the surgical site. Q. I am talking --Page 243 Page 245 MR. COREY GORDON: Object to the form of A. -- you're saying? 1 1 the question, also lack of foundation. 2 Q. -- about -- not the studies, I'm talking 2 3 about what Dr. Wenzel's opinion is. A. I don't know what they think about 3 4 4 particles, no. A. Yeah. 5 Q. I mean, have you worked with orthopedic 5 Q. Okay. Based on what whatever you've read. A. Yeah. 6 surgeons in the past? 6 A. Only clinically --7 7 Q. Okay. I don't want to know the studies, I 8 8 Q. When you say clini -know what the studies are. Because I know some of 9 A. -- where you take care of their patients. 9 them you agree with and some of them you don't agree Q. After they've had the infection; correct? 10 with; correct? 10 A. That's correct, yeah. A. That's right. 11 11 12 Q. Okay. Do the numbers of bacteria arriving 12 Q. Okay. So I want to know what your opinion is, not what the studies' opinion is. 13 in the surgical wound correlate directly with the 13 probability of surgical-site infection? A. Umm-hmm. 14 14 O. Fair enough? 15 A. Well I would point to Stocks article first, 15 16 and he has a correlation for those particles that are 16 A. Yeah. greater than 10 microns in size. And then there is Q. Okay. Does Dr. Wenzel agree, you, that the 17 17 the study we talked about, the Darouiche study, that 18 18 number of bacteria arriving in the surgical wound correlate directly with the probability of a modeled bacteria and particles. 19 19 20 O. So you agree with Stocks' paper? 20 surgical-site infection?

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MR. COREY GORDON: Object to the form of

You know, and then there's Birgand's study

A. Let me -- Let me finish.

who in fact shows the correlation between -- in

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the question.

A. I can't answer that for all studies, there

is a disparity of that. But my opinion is that it's

Particles and bacteria have been linked, but not

not been linked to surgical-site infections.

necessarily that link of CFUs and infection.

Page 246 Page 248 A. Yeah. Q. I wasn't talking about particles. 1 1 2 Listen to the question. 2 Q. -- here's the thing, doctor, and I'm not 3 A. Yeah. Go ahead. 3 trying to be difficult. I know the studies as well as 4 Q. Do the numbers of bacteria arriving in the 4 vou do. 5 surgical wound correlate directly with the probability 5 A. Yeah. of surgical-site infection; "yes" or "no"? 6 6 Q. Okay. And -- Not as well, but I know them A. Well Birgand would say no, he can't find a fairly well. You probably know them better. 7 7 8 correlation with contamination of the wound. 8 I'm not -- I could read the studies as well. Q. What about Dr. Wenzel? 9 9 I want to know based on your reading of the studies 10 A. I don't know. 10 what Dr. Wenzel's opinion is, okay? Not what the Q. Okay. You don't know. literature says, but what your opinion is. You could 11 11 A. I mean, I'm not sure. support it with the literature, but at this point in 12 12 Q. Okay. What about this question: Do the 13 time I've read your report, I know what literature 13 number of bacteria in the operating room environment 14 you're relying upon. 14 correlate directly with the probability of SSI, "yes" I just want to know, okay, do you think that 15 15 or "no," according to Dr. Wenzel? 16 OR traffic increases the risk of surgical-site 16 17 MR. COREY GORDON: Object to the form of 17 infections in a total hip or total knee arthroplasty? the question, incomplete hypothetical. It's not a 18 A. It might, yes. 18 Q. It might -yes-or-no question. 19 19 A. Yeah. Q. "Yes" or "no"? 20 20 21 A. So the total number of bacteria in the air? 21 Q. -- or it does? A. I don't know. It might. 22 22 Q. I'll read it again. A. Yeah. Q. Can you say that within a reasonable degree 23 23 24 Q. Do numbers of bacteria in the operating room 24 environment correlate directly with the probability of 25 25 A. Yeah. Page 247 Page 249 surgical-site infections? O. -- of medical probability? 1 A. I haven't seen that, no. 2 A. Yeah, I think so. 2 Q. So you disagree --3 3 Q. Okay. So if that's the case, then you have 4 A. I don't know. to agree that the -- the OR traffic increases 4 5 Q. -- with that. 5 particles, and therefore increases the bacterial load 6 A. I don't know. 6 in the operating room; correct? 7 MR. COREY GORDON: Object to the form of Q. You don't know. Okay. 7 8 8 You don't have an opinion whether or not OR the question. traffic increases the risk of surgical-site infection; 9 A. According to some people who've shown 10 10 is that correct? correlations. A. I think in general OR traffic's been linked Q. Well do you agree with that? 11 11 A. They'll show correlations with particles and 12 to increasing particles. It's hard to know whether 12 those increased surgical-site infections, but I think CFUs in some studies, and I've already talked about 13 13 14 there are some studies. I'm having trouble remembering which ones show that it might, but it 15 Q. I'm just saying with the OR traffic. 15 16 might be important. But then there is some 16 Do you agree that the OR traffic has -- has contradictory evidence and I was just, in my report, 17 an effect on surgical-site infections in total knee or 17 18 trying to show that. 18 total hip arthroplasty? Q. Well just so I understand, at trial you're 19 MR. COREY GORDON: Object to the form of 19 20 not going to have an opinion that OR traffic caused a 20 the question, -surgical-site infection. 21 21 A. It might. MR. COREY GORDON: Object to the form of 22 22 MR. COREY GORDON: -- also asked and 23 23 the question. answered. 24 A. At this point I don't know. Yeah. 24 Q. It might. Okay. Q. Well I --25 25 And it may not; correct?

Page 250 Page 252 A. Yeah. 1 in evidence. 1 Q. Okay. So sitting here today you don't know 2 2 A. I'm not. one way or the other. 3 Q. Are you aware that the Bair Hugger device A. Yeah. was based off a 1937 cast warmer? 4 4 5 O. Okav. Going on. 5 MR. COREY GORDON: Object to the form of 6 Do you agree that the incidence of 6 the question. 7 periprosthetic joint infection is related to surgical 7 A. No, I didn't know that. 8 8 Q. Okay. Are you aware that the older Bair time? 9 A. Surgical time has been shown to be a risk 9 Hugger device warned for air -- airborne 10 contamination? 10 factor, ves. MR. COREY GORDON: Object to the form of 11 Q. So Dr. Wenzel agrees with that. 11 A. Yeah. 12 the question, assumes facts not in evidence. 12 Q. Okay. 13 13 A. Say that again. 14 A. I have a example of that in my section on Q. That the older version, the mod -- the 14 series 200 Bair Hugger devices warned about airborne 15 risk factors. 15 Q. Do you agree there still needs to be further contamination? 16 16 17 research with per -- with respect to the effects of 17 MR. COREY GORDON: Same objections. hypothermia on periprosthetic joint infection? 18 A. And I don't know that. I don't re --18 MR. COREY GORDON: Object to the form of Q. Are you aware that competing products of the 19 19 20 the question. 20 Bair Hugger, such as the Mistral, that are forced-air A. Well, you know I love data. Any more 21 warming, warn about airborne contamination? 21 information that would be added to what I -- what we 22 A. Don't know that either. 22 have here, I'm always -- I mean, there's never -- I'm 23 Q. Would that influence your opinion in any 23 24 never going to say, no, don't do a study. 24 way? Q. I understand that. 25 25 A. I'd have to see what they say. Page 251 Page 253 But you're not going to do a study if you 1 O. Okay. But the --1 know the answer; correct? 2 But 3M has not shown you that information; 2 3 MR. COREY GORDON: Object to the form of correct? 4 the question. 4 A. I haven't seen that. Q. You do a study to find out the answer. 5 5 Q. And you love data; correct? A. Yeah, you do, and -- but you always want 6 6 A. I do. confirmation, I think. I guess that's what I'm 7 7 Q. I mean, you -- the more data the better for 8 8 saving. you; right? 9 Q. I understand that. But are you -- But 9 A. I like it. sitting here today you cannot state, with any degree 10 10 Q. I mean, you spent over 300 hours going of medical certainty, that maintaining normothermia 11 through data; correct? 11 12 reduces the incident of periprosthetic joint infection 12 A. That's true. because that has never been looked at; correct? 13 13 Q. And if you had to do a hundred hours more MR. COREY GORDON: Object to the form of 14 you would do it; correct? 14 15 15 A. I love it. the question. A. So that part is true, they haven't studied 16 16 O. Love data. just joints in a prospective way, yes. 17 And if 3M gave you more data you would have 17 18 Q. So further research would be needed to 18 reviewed it; right? answer that question. A. I would. 19 19 20 A. Further research would really help answer 20 Q. Okay. And so sitting here today do you agree with me that there is some data that 3M did not 21 21 it. Q. Okay. Are you aware that 3M never did a 22 22 provide you? 23 safety validation of the Bair Hugger device? 23 MR. COREY GORDON: Object to the form of 24 MR. COREY GORDON: Object to the form of 24 the question, assumes facts not in evidence, lack of the question, lack of foundation, assumes facts not 25 25 foundation.

Page 254 Page 256 I think there were options. The infection rate of A. I don't know that. 1 1 2 course was two and a half percent versus .2 percent --2 Q. Okay. Are you familiar with the 3 international consensus of orthopedics that discuss 3 or the, you know, with rivaroxaban the high number, periprosthetic joint infections? and the other anticoagulants .2 percent, which was 4 4 5 5 A. I don't think I know that. significant. 6 Q. It was sponsored by 3M. 6 So independent of the McGovern study I guess 7 MR. COREY GORDON: Object to the form of 7 there were two parts of that study. I mean, Jensen's 8 the question, mischaracterizes the evidence. 8 study was separate, and he found two and a half 9 A. You're asking if I know that? I don't. 9 percent versus I think one percent, again with 10 Q. Okay. Do you know who Dr. Parvizi is? 10 rivaroxaban. And then somewhere along the line, I A. I know who he is, yeah. think it was Albrecht who said, if you keep the 11 11 Q. Okay. Do you know --12 antibiotics constant you get something like 4.2 12 You know Dr. Gregory Stocks; correct? percent versus 1.7 percent. 13 13 14 A. I don't know him, no. 14 So these are the data that come to mind 15 Q. But you've read his -- his -- you know who 15 comparing rivaroxaban versus enoxaparin, or rather the 16 -- the alternative. 16 he is. 17 17 Q. Are you awa -- Okay. Let's go to your A. Yes. Q. Okay. And you've actually cited to one of 18 Exhibit Number 2, your Exhibit B. 18 his articles; correct? A. What am I going to? 19 19 Q. Your document list. 20 A. I did. 20 21 Q. Okay. And you would consider him an expert 21 A. Oh. in orthopedic surgery; correct? 22 Q. And you mention the Berrios-Torres article, 22 MR. COREY GORDON: Object to the form of Centers for Disease Control and Prevention Guideline 23 23 24 the question, lack of foundation. For the Prevention of Surgical Site Infection 2017 as 25 A. I don't know if he's an expert or not in 25 being authoritative? Page 255 Page 257 1 orthopedic surgery. 1 A. Which number is this? Q. Are you aware that the general consensus 2 2 O. Exhibit Number 2. among orthopedic surgeons have the opinion that 3 A. I'm sorry. periprosthetic joint infections are caused by airborne Q. It's a list of documents you considered. 4 4 contaminants? 5 6 6 MR. COREY GORDON: Object to the form of O. Remember we talked about the CDC? 7 the question, lack of foundation, mischaracterizes, 7 A. Yeah. 8 assumes facts not in evidence. 8 Q. Okay. And you thought it was authoritative? 9 A. No, I'm not aware of their general opinions. 9 Are you aware that in this article it 10 MR. ASSAAD: Let's take a break. 10 states, high-quality evidence suggested no difference THE REPORTER: Off the record, please. between injectable enoxaparin and oral rivaroxaban and 11 11 12 (Recess taken from 2:45 to 2:55 p.m.) 12 risk of SSI? 13 BY MR. ASSAAD: 13 A. I think I do remember that, yeah. Q. One of your critiques of the McGovern study 14 Q. Okay. And you're disregarding that. 14 was the change in anti -- the prophylactic A. No, I'm not -- I wouldn't disregard 15 15 anticoagulant; correct? 16 16 anything. A. Yes. 17 17 Q. And this was based on no difference in SSI 18 Q. Okay. Are you aware of any studies that 18 in a large meta-analysis, 12,383 patients of four, compared the two -- the two drugs used in McGovern for random controlled trials in elective primary or 19 19 20 anticoagulation and compared with infection rates? 20 revision total hip or total knee arthroplasty, and no A. I thought that Brimmo's study actually 21 difference in hemorrhagic wound complications or 21 looked at the two, Rivaroxaban versus other 22 22 drug-related adverse effects. 23 anticoagulants. 23 Do you disagree with that or agree with 24 Now, you know, did -- your question partly 24 that? was did it go only with enoxaparin. I don't think so. 25 MR. COREY GORDON: What are you reading

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from? 1 Q. He knows where I'm reading from. 2 3 A. So I think you're referring to the capital studies, or what are they called, the RECORD studies, 4 5 I guess. Is that the reference that you're talking 6 about, CDC said that? Q. They're referring to --7 8 A. The four large studies? 9 Q. Eriksson, Kakkar? 10 A. I think they're all part of the RECORD 11 studies. Q. And do you disagree with the CDC? 12 A. Well I think I have to clarify that, because 13 Jensen did a study, and he said unfortunately the 14 RECORD studies didn't do a very good job looking at 15 surgical-site infections, and that's why -- that's 16 17 prompted him to do a study. Q. So you disa --18 A. And Bremo --19 20 Q. You disagree with the CDC. 20 21 A. I think it needs some clarification, in that 21 22 22 sense. 23 Q. So --23 24 But you disagree with their statement that 24 high quality -- high quality --25 25 Page 259 1 A. Yeah. 2 Q. -- evidence suggested no difference between 2 3 injectable enoxaparin and oral rivaroxaban and risk of 4 4 SSI. 5 5 Do you agree or disagree with the CDC? A. So that's what they found, that's what they 6 6 7 believe. I was just trying to clarify, and I don't 7 necessarily disagree with them, I have a different 8 interpretation based on, you know, the studies of 9 10 Jensen and Brimmo. 10 Q. What was the number of people in those 11 11 12 populations in Jensen? 12 13 A. They were -- They were much smaller than the 13 thousands in this. 14 14 O. 12,383. 15 15 16 A. Yeah. 16 17 Q. Okay. 17 18 A. But -- But again, I just want to point out, 18 when Jensen opens up his article he said, look, we 19 19 20 don't have a good handle on surgical-site infections. 20 They focused on bleeding, they focused on which was a 21 21 comparable or a different thromboprophylaxis from the 22 22 point of view of a DVT or a pulmonary embolus. And 23 23 24 then Borak, when he was asked similar questions, said 24 25 he couldn't even find the definition that they used.

Page 260 And so it comports with the same finding that Jensen 2 said in his study, and the same for Brimmo. They both 3 think that --4 Q. What's Dr. Wenzel's opinion? Does -- Is 5 there a difference in the risk of surgical-site 6 infection between rivaroxaban and enoxaparin? 7 MR. COREY GORDON: You're asking about 8 enoxaparin, --9 A. Yeah. Not --10 MR. COREY GORDON: -- not tinzaparin. 11 A. Yeah. 12 Q. I'm asking. A. Yeah. I mean, in those studies CDC is 13 14 probably right. Q. And you're aware that the CDC put 15 enoxaparin, dalteparin, tinzaparin and fondaparinux as 16 17 one category. 18 A. I didn't know, but I'm not surprised. 19 Q. Because they're all the same pretty much; correct?

MR. COREY GORDON: Object to the form of

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Turning to page 73 of your report. Is page

73 the entire critique, in your report, of Dr. Jarvis? A. Did I write anything else; is that what you're asking?

Q. Yes.

the question.

A. I think I don't have anything else in the report.

Q. And would --

A. I think they're --

A. -- in the same family.

Q. The same family.

And would you agree with me that the bottom of page 73 and 74 is your entire critique of Dr. Samet?

A. Yeah.

MR. COREY GORDON: Object to the form of the question.

- Q. Now you would agree with me, doctor, that the majority of the articles that you cite deal more with superficial surgical-site infections and not periprosthetic joint infections.
- A. Yeah. I haven't counted them up, but many of them deal with su -- with the superficial infections.
- Q. And even though they're both infections, there is some difference in the mechanism of cause.
- A. I'm not sure that's correct. In other words, my own concept is the initiation of infection

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is quite similar. You have an or -- an organism 1 that's part of the flora; to me that's the origin in 2 both. The organism gets to the wound; that's the same. And it's there at -- usually at the time of 5 incision.

After that, as I said, once the organism gets on the vascular prosthetic device it begins to go through some changes through quorum sensing, it does build up the biofilm, and that's different, vastly different.

Q. I understand that.

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But you agree one of the differences is the quantity of bacteria required to cause the infection.

- A. I think it's fewer bacteria to cause an infection with the prosthesis.
- Q. And -- And one of the reasons is because when you have, for example, prophylactic antibiotics as well as the host immune system, that's much more effective at eliminating or attacking the bacteria than on a device that has no vascularity and therefore the host can't fight it off; correct?

MR. COREY GORDON: Objection, asked and answered.

24 A. Yeah, the way that I would -- yeah, I would 25 say if you can't control the microbiome you're going

MR. COREY GORDON: Object to the form of the question.

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- 3 A. -- I don't remember that.
  - Q. Do you recall her stating that many of the infections that they were identifying were non-clinically significant infections?

MR. COREY GORDON: Object to the form of the question, mischaracterizes --

A. I don't remember that. --

MR. COREY GORDON: -- the evidence.

- A. -- but I'd be happy to look at it again.
- Q. You would defer to Dr. Kurz with respect to the interpretation of her own study; correct?

MR. COREY GORDON: Object to the form of the question.

- A. Yeah. You know, we talked about this earlier where she changed her opinion, you know, through the start, so, but I -- yeah, in general she called that -- whatever she called the infection I would defer to her.
- 21 Q. Okay. Just like when you have a question 22 about a study, you call the author of the study and 23 ask questions; correct?
  - A. I do sometimes.
  - Q. Like you did with Dr. Darouiche.

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A. I do. 1

2 Q. Okay. And with Dr. Chen; correct?

A. Yes.

4 Q. Okay. Because for the most part the person 5 that conducted the study knows more about the study 6 that was -- that was done: correct?

A. That's true.

Q. Okay. Now with respect to the oxygenation issue and the benefits of oxygenation by using forced-air warming, none of those studies looked at periprosthetic joint infections; correct?

A. I think that's true.

13 Q. Okay. And you agree with me that when Andrea Kurz indicated in her deposition with respect 14 15 to what would happen if you did the study now and it would be a 30 percent reduction, that was speculation, 16 17 that was a hypothesis; correct?

- A. That's what she said. That's all I know.
- Q. There is no data to support that; correct?
- 20 A. No. She was saying this is what it would look like in her opinion. 21
  - Q. And that was a hypothesis; correct?
- 23 A. Correct.
- Q. And there are many times that hypotheses are 24 25 wrong; correct?

to get infections.

- Q. Let's go to page 3. 2
- 3 A. Okay. Yeah.
  - Q. The chart you have on page 3, Figure 1, is right out of the 1996 Kurz study; correct?
  - A. Yes.
  - Q. Okay. You would agree with me that the first hour that a patient's being warmed the patient still becomes hypothermic in colorectal surgeries.
    - A. I think that's --

You know, if you ask what proportion of the time, I don't know, but they are hypothermic for awhile.

- Q. Okay. Even with forced-air warming.
- A. Umm-hmm.
- Q. Is that a "yes"? 16
- 17 A. Yes.
- 18 Q. Okay.
- 19 A. Sorry.
- 20 Q. And you recall Dr. Kurz, in her deposition, discussing the types of infections that they were 21 22 counting with respect to -- to calculate the incident 23 of infection with forced-air warming and without 24 forced-air warming. Do you recall that testimony?
  - A. No, --

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- A. Sometimes that happens. 1
  - Q. And that's why you do the study; correct?
- 3 A. Yes.

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Q. Okay. So you agree that she admits that the reduction of infection is going to be a lot less than threefold, and it's her hypothesis that if the study was done now it would be about 30 percent reduction for colorectal surgeries.

MR. COREY GORDON: Object to the form of the question, lack of foundation.

A. I mean, what I would say is, you know, that study done, what, 20 years ago or so, in the meantime 12 a whole lot of other changes, we'll just mention 13 Darouiche and the -- and the antiseptic. And one of 14 the concepts that I think goes on as you look at more 15 recent studies, which reflects on your question, is 16 17 what's the modifiable, residual modifiable effect you can have when you start adding all things that cut 18 down the infection rate. It's awful hard to show, 19 20 when you're moving away from that, if you have three or four or five, you know, improvements in outcome, then you have less proportion of infections you can impact with a new process or a new product. 24

Am I making sense, or?

Q. Wel, yeah, you're making...

1 my -- in my chart of the cohorts?

Q. I'm not sure, but do you recall the Hopkins study that looked at the Hopkins data?

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A. Yeah, I think -- Let me just -- I have that in the chart of cohorts that we just looked at. Here we go. So page 8.

What I'm asking you, I guess, is are you referring to the study number 1 at the top? Hopkins uses a WarmTouch forced-air warming, and that was a big study, you know, 46,000 plus, it's a cohort. Amazing low percent that got hypothermic.

Q. Is this the Brown study?

A. Forgot the name of the first author. But the lead author is -- was an anesthesiologist I think, the other ones who did that.

Q. This is the Scott study; correct?

A. I think it's the Scott study. That's right, veah.

Q. Okay. And if you look at the Scott study --Do you know what the SCIP protocols are?

A. Yeah. I have an idea, yeah.

22 O. So for wound infection, the -- when a --

23 when the patients were not com -- SCIP non-compliant

24 you had 3.6 percent of wound infection, and when they 25

were SCIP compliant they had 3.8 percent wound

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Let me ask you a question. If a patient only used warm blankets during a total hip or total knee arthroplasty, do you know whether or not the patient would become hypothermic?

- A. No, I don't know that. I don't know what the --
- Q. So --
  - A. -- data show.
- Q. -- sitting here today, you don't know whether or not just using warm blankets is just as efficacious as the forced-air warming.
- A. I thought there were studies that showed it didn't work as well. Can't cite them right now, but I have read that somewhere.
  - Q. You haven't --

Did you ever look at the Dr. Sessler study of 2015 that compared just blankets to forced-air warming?

- A. No. I don't know that one.
- O. And in fact you're familiar with the study that looked at the data out of Hopkins that showed no reduction in periprosthetic joint infections between patients that had thermoregulation and patients that didn't have thermoregulation.
  - A. You're talking about the first study in

1 infection.

> So how do you get an SSI of -- a risk ratio of .86 for wound infe -- for surgical-site infection?

A. I don't remember how I got that, but it was clearly not significant.

Q. Okay. So you agree with me that even current studies show that there is no benefit with forced-air warming with respect to surgical-site infections.

A. Especially current studies, because of all the management that has gone on beforehand to introduce controls of the residual proportion of infections that you can mod -- you know, modulate.

Q. So you would agree with Andrea Kurz, then, that in -- in today's world, okay, --

A. Umm-hmm?

O. -- that there's no scientific evidence that indicates that forced-air warming reduces the incident of surgical-site infections.

A. No, I won't --

MR. COREY GORDON: Object to the form of 21 22 the question, and misstates the evidence.

23 A. No, I won't agree with that.

24 What I'm saying is she was saying that, 25 look, you know, going forward with all the changes

Page 270 Page 272 going on we might only see 30 percent instead of 67 1 vou're asking? 1 percent reduction. That's what I recall, and that's 2 Q. I mean, for example, you talk about diabetes what I cited in my report. 3 and obesity, --Q. But you also cited Scott --4 4 A. Yeah. 5 5 A. Yeah. Q. -- other things. 6 Q. -- that showed that patients that were SCIP 6 But you would agree with me that that 7 discussion might be more appropriate when we actually 7 non-compliant had a lower infection rate than patients 8 that were SCIP compliant. 8 know what patient we're talking about; correct? 9 A. Well if you look at all infections, that was 9 MR. COREY GORDON: Object to the form of statistically significant, all -- all infections. The 10 10 the question. surgical site he couldn't show a difference. 11 MR. ASSAAD: Basis? 11 Q. Okay. We're not looking at all infections 12 MR. COREY GORDON: Appropriate to what? 12 Appropriate to his discussion of why McGovern is not 13 here, doctor. 13 A. Yeah, okay. 14 effective? No. The word "appropriate" is -- is 14 completely vague and meaningless. Q. We're looking at surgical-site infections. 15 15 A. Perfect. MR. ASSAAD: Why are you yelling to me, 16 16 17 O. Which is a wound infection; correct? 17 Corey? A. Yes. 18 MR. COREY GORDON: I'm not yelling. I'm --18 Q. Okay. And in the Scott study SCIP You're detecting an exasperated tone in my voice, but 19 19 20 non-compliant had a lower infection rate than SCIP 20 I'm not yelling. compliant; correct? 21 MR. ASSAAD: Are you picking up that stick 21 22 22 A. You mean a non -- nonsignificant -to hit me? 23 Q. It's nonsignificant, but it was still -- it 23 MR. COREY GORDON: Not yet. 24 was still lower. 24 (Laughter.) 25 A. Fine. 25 MR. GOSS: Let me tell you, it hurts when Page 271 Page 273 Q. Okay. I mean, you're right, it is that thing comes down. 1 1 nonsignificant --2 (Laughter.) 2 3 3 BY MR. ASSAAD: A. Yeah. 4 Q. -- because the p value's .7811. 4 Q. Are you aware of articles that discuss that 5 A. Yeah. Not at all. 5 the incidence of periprosthetic joint infections are 6 Q. The p value's very high. going to increase over the next twenty -- up to 2030? 6 7 MR. COREY GORDON: Object to the form of A. Yeah. 7 Q. So that would indicate to a scientist, such 8 the question. as yourself, that there's no difference between --9 A. Yeah, related to the increased number of between warming and non-warming. 10 people who are undergoing the procedures, so. 10 Q. When we talk about incidence, I'm talking 11 A. True. 11 Q. Okay. 12 12 about the percentage. 13 MR. COREY GORDON: Object to the form of 13 A. Percent? 14 14 Q. Do you recall an article that indicated by 2030 the -- the incident of periprosthetic joint 15 Q. Now you spent a considerable amount of time 15 16 going over comorbidities. 16 infections will be as high as 6 percent? A. I'm not aware of that at all. 17 17 A. Yeah. Q. You would agree with me that being diabetic 18 Q. Okay. Can we just agree that the 18 comorbidities will be case specific depending on the 19 is not a cause of the infection. 19 20 20 MR. COREY GORDON: Object to the form of patient? MR. COREY GORDON: Object to the form of 21 21 the question. 22 the question. 22 A. I don't agree with that at all. My view of 23 A. So if you're asking can I predict the 23 infections, surgical-site infections is that they're 24 infection rate above or below the average as a result 24 multifactorial and the comorbidities, for example, are

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of incorporating comorbidities, yes. Is that what

a -- one factor that can certainly change the baseline

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- rate if you're not having those comorbidities. So I
- look at all the risk factors as, if you will, risk 2
- factors and causes. So if you said to me, I have
- 4 twins, one of them is -- you know, exactly the same
- genetics, same surgeon, same operation, everything the
- same except one's an obese diabetic, and that patient gets an infection post-op, of course the diabetes and
- 8 the obesity contributed to that person's increased risk of infection.
  - Q. Doesn't that go to susceptibility?

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- A. What I know it goes to is -- at least in 11 terms of diabetes and obesity, is a change in the 12 13 microbiome. Is that what you mean by "susceptibility"? 14
  - Q. So you think in that -- And -- Okay.

I want to make sure I understand you. You think obesity and diabetes has an effect on the human microbiome.

- A. It does, and I've cite -- several studies that I've cited.
- Q. Okay. And therefore what type of effect; does it increase the -- the number of bacteria on the 22 23 skin?
- 24 MR. COREY GORDON: Object to the form of 25 the question.

The only thing I know that causes a periprosthetic joint infection is a bacteria; correct?

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- A. That's always there.
- Q. Okay. The fact that I am -- someone's obese is not going to spontaneously have an infection without a bacteria; correct?
  - A. Correct.
- Q. Okay. It is the bacteria that causes the infection, and it is the host that may be susceptible more or less than the average human and may allow the infection to progress.

MR. COREY GORDON: Object to the form of the question.

- A. You and I are going to disagree. I mean, I think that risk factors are, by definition, causal, and -- that's why I tried to give you the twins, one was a diabetic obese, and without that that person, the twin, didn't get an infection. You're asking a little bit about mechanisms, which aren't fully worked out.
- Q. Well the one that's diabetic obese compared to the regular twin, okay, the diabetic obese still would have to have a bacteria that would get into the joint area during the operation to cause an infection; correct?

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Page 277

- A. Increases for sure the number of people who 1 are nasal carriers of Staph aureus, and by definition 2
- those people are more susceptible to infections.
- 4 There may be other things as well, but that's -- the 5 study of the microbiome is pretty young still, but
- 6 it's a remarkable thing that we have several studies 7 showing that.
  - Q. But you still -- you agree with me that the fact that --

You still need the bacteria to cause the infection: correct?

- A. Bacteria are necessary, not sufficient.
- Q. You can't have an infection without the bacteria; correct?
  - A. That's true.
- Q. Okay. And you are just saying that a person that is obese might be more likely to be a Staph aureus carrier or an MRS carrier.
- A. That's for sure, and I know that person's at higher risk when you look at the epidemiologic studies, which I've cited, for getting a surgical-site infection.
  - O. I understand that.
- 24 But my point is that makes them more susceptible, not that -- I mean --

- A. Yeah. I mean --
- 2 Q. And the same thing with a person that's 3 skinny; correct?
  - A. That's correct.
- 5 Q. Unless, let's assume it's the same amount of 6 bacteria, say it's a thousand CFUs or 10,000 CFUs, 7 okay? My understanding, and see if we could agree,
- 8 that the diabetic obese patient is more prone to --9 for the -- for the CFUs to -- to -- like -- more
- 10 likely to become infected because that person is obese 11 and a diabetic as compared to the healthy person.

MR. COREY GORDON: Object to the form.

- Q. Do you understand what I'm saying?
- A. Not really, no.
- Q. Okay. You still need the bacteria to land 15 16 on the -- the diabetic and obese person; correct?
  - A. Correct.
- 18 Q. If no bacteria lands on the joint during the operation of a diabetic obese patient, that patient, 19 20 more likely than not, is not going to have an infection; correct? 21
  - A. Yes.

23 MR. COREY GORDON: Object to the form of 24 the question.

Q. Correct?

Page 278 Page 280 1 1 actually shown a decline, something like 27 to 43 2 Q. And in fact it would be impossible, without 2 percent depending on one's hips, one's knees. bacteria, for that person to have an infection; 3 Q. Are you aware of the -- the Parvizi studies 4 regarding the economic burden of periprosthetic joint 4 correct? 5 A. Need the bacteria. 5 infections? Q. Huh? 6 6 A. I think so. I don't remember exactly what 7 A. Need the bacteria. 7 number he came up with, but. 8 8 Q. Well you know that Dr. Parvizi has looked at Q. You need the bacteria. Whether or not you are obese, diabetic, 9 this issue: correct? immunosuppressed and whatever type of comorbidity 10 A. Yeah. there is, you need the bacteria. 11 11 MR. COREY GORDON: Object to the form of 12 A. Yes. 12 the question. Q. Okay. You could be immunosuppressed and go 13 13 MR. ASSAAD: Basis? through a total hip and total knee arthroplasty, and 14 MR. COREY GORDON: What is "this issue"? 14 as long as no bacteria lands in the joint area you're 15 You've just -- You've had a whole line of questions 15 not going to get an infection; correct? where you're asking him about the trends, and then 16 16 17 A. I think that's true. 17 you switch gears and then you say he's -- Parvizi has Q. Same thing with a diabetic; correct? looked at "this issue." 18 18 19 19 BY MR. ASSAAD: 20 Q. Same thing with an obese person; correct? 20 Q. Doctor, you knew what I was talking about 21 A. Yes. 21 when I said "this issue"; correct? 22 Q. Okay. You need the bacteria to get to the 22 A. I did. joint; correct? 23 MR. COREY GORDON: Object to the form of 23 24 A. You do. 24 the question, lack of foundation. Q. Okay. Go to page 13. 25 Q. We were talking about infection rates; 25 Page 279 Page 281 A. Sure. 1 correct? 1 2 Q. On the third paragraph from the bottom where 2 A. Yes. it says: "Thus, substantial rises in comorbidities"? 3 O. And Dr. Parvizi has looked at infection 4 Do you see that? 4 rates over time. 5 A. I do. 5 A. And he showed, yeah, a fall. Q. Okay. The last sentence you say, "...it has O. You believe he saw -- he's seen a fall? 6 6 been reported that surgical site infection rates have 7 7 A. That's what he said. fallen over time during the use of Bair Hugger." 8 Q. When did he say this? 9 Correct? I read that correctly? 9 A. In a paper. 10 10 Q. Okay. A. Yeah. Q. You're talking about superficial wound 11 A. Can we pull it out? 11 12 infections; correct? 12 Q. Are you familiar with a paper titled A. They're probably mixed. Economic Burden of Periprosthetic Joint Infections in 13 13 Q. Well we just said there was no study on the United States, authored by Steven Kurtz, Evan Lau, 14 14 Heather Watson, Jordan Schmier and Javad Parvizi? 15 periprosthetic joint infections. 15 16 MR. COREY GORDON: Object to the form of 16 A. I don't think I -- I don't remember it. 17 the question. 17 That's -- I may have read it, I don't remember. Q. Published in 2011? 18 A. Yeah. I don't know that they didn't count 18 A. Yeah, I don't remember it. -- I mean CDC has rates for hips and --19 19 20 (Interruption by the reporter.) 20 Q. I'm sorry. 2012. A. -- has rates of infection for total hip 21 A. I don't remember it. 21 22 Q. What Parvizi article are you referring to 22 placement, total knee replacement from their national that says he reduced -- reduction of infection? 23 cohort. And what I cited in the report was if you 23 24 look at the trends over time, and they corrected for 24 A. Let me see if I can find it. (Witness some of the comorbidities the best they could, they've 25 reviewing exhibit.) Oh, I was thinking -- it's the

Page 282 Page 284 Rasouli paper, but I was thinking he was a co-author. number of health professionals in an operating room 1 1 had no significant influence on bacterial counts in 2 Q. What page are you looking at, sir? 3 A. So page 13. 3 the operating room; correct? Q. What paragraph? 4 4 A. What page you looking at? 5 A. It's Roman numeral vi. And if Parvizi 5 6 wasn't part of that study then that's my mistake, but 6 A. Sixteen? Rasouli is actually the first author. 7 7 Q. Yeah. 8 Q. Mohammad Rasouli? 8 A. Under "Summary"? 9 9 A. I think that's right. Q. I'm sorry. I'm looking at something else. Q. Okay. Did you look at what ICD-9 codes they 10 I apologize. Withdraw the question. 10 looked at in formulating this opinion? Okay. Let's go to page 19. 11 11 A. I saw them, but I don't memorize those or 12 A. Yeah. 12 Q. This talks about your hierarchy of Bair anything, yeah. 13 13 Q. Okay. You could look them up, though; 14 Hugger studies; correct? 14 15 15 correct? A. Sure. Q. Okay. Can we agree, with respect to whether A. I could have, yeah. 16 16 17 O. Okay. And you didn't do that in this case: 17 or not the Bair Hugger increases the bacterial load over the surgical site, that the Melling article is 18 correct? 18 A. No. 19 19 irrelevant? 20 Q. Okay. And if you look at --20 MR. COREY GORDON: Object to the form of 21 What do you think the infection rate is for 21 the question. primary total hip or total knee infections in the 22 22 A. No, I don't know that I would agree. I mean, it adds data. 23 United States currently? 23 24 A. Currently? 24 Q. Well the Bair Hugger's u -- we're talking 25 Q. Uh-huh. 25 about the Bair Hugger being used perioperatively; Page 283 Page 285 A. My estimate is probably one percent or so. correct? 1 1 A. Yeah. 2 Q. Okay. So if that's the case, and I think 2 3 that might be acceptable, Rasouli is only showing .2 Q. And the Melling was pre-warming; correct? 4 percent infection rates for primary hip or primary 4 A. That's correct. 5 knee. That sounds very low; doesn't it? 5 Q. So whether or not -- I mean we're not 6 6 looking at pre-warming here, we're looking at A. It does seem -perioperative warming. You understand that; correct? 7 MR. COREY GORDON: Object to the form of 7 8 the question. 8 A. I do, and I've cited the paper that says 9 Q. That seems very low, doesn't it, sir? 9 warming and pre-warming might last up to a couple of 10 A. It seems low. 10 hours. Q. Okay. Would that cause you any concern to Q. But we're talking about --11 11 see what -- to check to see how he calculated his 12 12 Do you understand plaintiffs' allegations 13 infection rate? 13 that the Bair Hugger increases the bacterial load over 14 A. It's one paper. 14 the surgical site? 15 Q. Okay. And there's two papers by Dr. Parvizi 15 A. What I remember that you asked me the that you have not looked at; correct? 16 hypothesis that I thought they had was that it created 16 MR. COREY GORDON: Object to the form of a kind of a dust storm from the floor that came up 17 17 18 18 over the surgical site, yes. the question. Q. Well let's -- Yeah. So -- So there has to 19 19 A. Don't remember which ones I didn't look at. 20 Are they the ones you were talking about earlier? 20 be a surgical site; correct? Q. Yes. A. Yeah. 21 21 A. Yeah. 22 22 Q. Okay. There's no surgical site or wound 23 Q. The economic burden ones. 23 during pre-warming; correct? 24 A. Yeah, I don't remember that. A. That's true. 24 25 Q. Okay. You also have an opinion that the 25 Q. So with respect to whether or not the Bair

Page 286 Page 288 Hugger increases the risk of surgical-site infection, 1 there you have to look at studies that deal with the Bair 2 Q. That wasn't my question, sir. 3 Hugger being used during perioperative warming; 3 A. Yeah. O. Don't you think knowing what device was 4 4 correct? 5 5 studied is relevant to determine whether that article A. What I would say is if you have pre-warming 6 and the body stays warm and you avoid all the 6 is relevant to the device that's being used in this 7 7 vasoconstriction that cooling does, that's a good litigation? 8 thing. Is that -- So maybe I'm not getting close 8 A. Could --9 enough here. 9 MR. COREY GORDON: Object to the form of 10 Q. Well plaintiffs' allegation for -- just keep 10 the question. it simple. The Bair Hugger is being used and it 11 11 A. Yeah, it might be. I don't know. causes increased bacteria over the wound. 12 Q. It may be; right? 12 A. Yeah. Yeah. Might be. 13 13 A. Umm-hmm. 14 Q. Okay? You understand that. 14 Q. And you don't know today what device was 15 A. Yeah. 15 used; do you? Q. Okay. Melling doesn't deal with A. Yeah, I don't. 16 16 17 perioperative warming; correct? 17 Q. Okay. The Hall -- The Hall is a poster; 18 A. He deals with pre-warming. correct? A.C. Hall? 18 Q. Okay. So that's a different situation of 19 A. It was. 19 what plaintiffs' allegations are in this case. 20 20 Q. It's not peer reviewed; correct? A. Might be technically. I was just trying to 21 A. I'm not sure it wasn't peer reviewed, but it 21 say that the physiology is the same, that's all. 22 wasn't a peer-reviewed full article. 22 Q. Have you looked at the stu -- all the 23 23 Q. Okay. Well --24 studies under the Biological Plausibility Studies on 24 (Interruption by the reporter.) 25 Q. And that was in 1991; correct? December 9th 25 page 20? Page 287 Page 289 1 A. Yeah. I have a table on that somewhere that 1 2 might make it easier. Maybe it was earlier. (Witness 2 A. Yes. Yes, yes. 3 reviewing exhibit.) Here we go. Q. Do you know what device was used in that Q. On page 14? 4 4 article? 5 5 A. Page 14 and 15, yeah. A. No, I don't. MR. COREY GORDON: 14 to 15, partly. Oguz 6 6 Q. Okay. So it might be a different device 7 isn't in that table, you discuss that elsewhere. 7 that is at issue in this litigation; correct? MR. ASSAAD: Do you want to testify some 8 8 A. I don't know. Might be. more, Mr. -- Mr. Gordon? 9 Q. Okay. And that would be relevant. 10 MR. COREY GORDON: I'm just trying to --10 A. Might be. Q. Okay. The Huang article, do you know what 11 O. So doctor -- doctor --11 12 MR. COREY GORDON: Go back to 20 and have 12 device was used in that case? 13 him talk about it from there rather than the table. 13 A. No. 14 14 BY MR. ASSAAD: Q. And do you have any criticisms of these Q. Doctor, do you know what device was used in 15 articles? 15 the Zink study, which Bair Hugger device? 16 A. They're small studies, they're not always, 16 A. I don't -- No. Don't remember. you know, controlled studies. Well they are, I guess. 17 17 18 Q. So you don't know what -- what the airflow 18 Well one of them wasn't, the Dirkes study. But mostly of that device was? I think they're just small studies that try to look 19 19 20 A. No. 20 at, I think, a relevant question. Q. By the way, does it -- do you take into Q. Okay. Don't you think it'd be relevant to 21 21 consideration who funds the studies? determine whether that study applies to the device 22 22 23 that's being used in this litiga -- being -- in this 23 A. You have to look at that. litigation? 24 Q. Okay. But just because a person funds a 24

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A. Told you I don't know what device they had

study doesn't mean the study's not a good study;

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- A. I would say that's true.
- Q. Okay. Otherwise, I mean, you would eliminate most of the studies that are out there because they're usually financed by a corporation.
  - A. Well I've done a lot of studies funded by industry, and as I told you, many of them turn out to be nothing, and I wrote the paper up and kind of read 'em and weep.
- Q. And usually good studies -- or corporations, when they fund a study, should not be involved in the study; correct?
- A. Yeah. When I've done studies myself, they haven't been involved.
- Q. They should have no editorial review of the studies.
  - A. Actually, as a courtesy after each of those studies, most of us would give industry some time period, like 30 days to look at it. They can make comments, but we make the final decision.
- Q. Okay. But you wouldn't give them carte blanche to make any changes to the --
- 23 A. Oh, no.
- Q. Okay. That would be unethical; wouldn't it?
- 25 A. That'd be --

to the patient and six or seven or eight people in the operating room; correct?

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- A. I think there would be a difference.
- Q. Okay. And when you do a study you want to imitate the study as much as possible to what really happens in real life; correct?
  - A. Yeah, always. Yeah.
- Q. Okay. Otherwise, I mean, you might get results, but it's hard to apply those -- the results to make decisions with respect to clinical care if the scenarios are not similar; correct?
- A. It's easier to make results if you have a -- the closer it is to what goes on, no question. But I wouldn't throw the studies out, if that's part of the question.
- Q. Well I don't see you criticizing any of these studies in here that's saying that they're underpowered.
- A. I didn't say that. I just told you they're underpowered and they're small studies.
- Q. I understand. And you criticized McGovern and you criticized all these other studies, but you don't criticize the studies that 3M relies upon.

MR. COREY GORDON: Object --

Q. Why is that, sir?

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Yes.

- Q. Okay. I mean, look at the Zink study. That only had eight volunteers; correct?
- 4 A. That's true.
- 5 Q. That's a very small study; correct?
- 6 A. That's true.
- Q. Okay. If -- When we're looking at bacterial load with airborne contamination, that is a very underpowered study; correct?
  - A. It's under --

MR. COREY GORDON: Object to the form of the question.

- Q. Very underpowered; correct?
- A. It's underpowered.
- Q. Okay. And in fact do you know whether or not -- I mean, you agree with me, as we stated before, that the amount of people in the operating room have an effect on the bacterial load in the operating room; correct?
- A. I think they do.
- Q. Okay. Do you know how many people were in the operating room when they did this study?
  - A. Don't remember, no.
- Q. Okay. Because it would be a big difference
- 25 if there was only one person, the patient, as compared

1 MR. COREY GORDON: Object to the form of 2 the question.

Q. Why is that, sir?

4 MR. COREY GORDON: Object to the form of 5 the question.

- A. I'm very happy to talk about this, you know, but.
- Q. We can talk about it all you want, but I'm saying why in your report you did not criticize or discuss any of the weaknesses in the studies that 3M rely upon.

MR. COREY GORDON: Object to the form of the question.

- A. Yeah, I -- I think I took these studies, this is what I found, and collectively they showed nothing in terms of colony-forming units increasing as a result of the Bair Hugger.
- Q. But you would criticize Zink, Hall, Huang, Dirkes, and Moretti as being underpowered, wouldn't you?
- A. So these are small studies, that's true.
- 22 That's the best data we have.
- Q. Did you criticize them at all and say they're underpowered in the paper?
  - A. I didn't do that.

Page 294 Page 296 Q. "Found none"? Q. That's not being objective, sir, is it? 1 1 2 2 A. I think I --A. Huh? 3 MR. COREY GORDON: Object to the form of 3 Q. "Found none"? A. No influence. 4 4 the question. 5 5 O. That's not being objective, sir, is it? O. So you wouldn't agree with me that if you 6 A. I think I'm fine with this. 6 looked at the comparison between the Bair Hugger and 7 Q. Oh, you're fine with that, okav. 7 the HotDog in the Oguz study that there was an 8 A. Yeah. 8 increase in bacterial load using the Bair Hugger over 9 Q. That wasn't my question. 9 the HotDog? Is that being objective? 10 10 MR. COREY GORDON: Object to the form of MR. COREY GORDON: Object to the form of the question, mischaracterizes the evidence. 11 11 the question. Move to strike counsel's snide A. I mean, what he found at the end using his 12 model, multivariate model, and asked the question, 13 comment. 13 14 does the individual device actually influence the 14 Q. You cite Avidan; correct? A. Yes. On the next page, 15. 15 counts, and he couldn't find it. 15 Q. That was a small study as well; correct? 16 (Wenzel Exhibit 11 marked for 16 17 A. It was a small study. 17 identification.) Q. Okay. And you don't know what device was 18 BY MR. ASSAAD: 18 used in that case; do you? 19 19 Q. What's been marked as Exhibit 11 is the Oguz 20 A. No, I don't. 20 article ---21 Q. And Occhipinti, you don't know what device 21 What's been marked as Exhibit 11 is the Oguz was used in that case; correct? 22 article that was provided to us by Dr. Wenzel today, 22 23 A. Don't know what device. 23 August 4, 2017, according to a subpoena that was issued to be produced to us by June 21st, but we got 24 Q. And that dealt with surgical drapes; 24 25 25 it today. correct? Page 295 Page 297 A. It's what? And it's underlined by Dr. Oguz; is that 1 1 2 Q. That dealt with surgical drapes. 2 correct? A. Yes. 3 3 A. Underlined by me? 4 4 Q. Okay. Did you read the letter to the editor O. Yes. 5 by Farhad Memarzadeh in the Moretti case? 5 A. Yeah. Q. Okay. Can I have that back, please? 6 6 A. No. 7 A. Sure. (Handing.) 7 Q. Any criticism of Avidan besides it's -- it's a small study? 8 Q. Now what you didn't underline here was the 9 A. Well, I mean, one of the things you would 9 statement by the authors that, this study may say is when the plates were directly in the airstream 10 obviously not be generalized for an overall safety 10 16 be -- inches below the end of the hose you could 11 statement on forced-air warming, and is primarily 11 12 argue that you're not really sure what was coming out 12 applicable in the particular surgical setup. 13 was from only the hose or the air below. That would 13 You didn't underline that; did you? 14 be one criticism. 14 15 Q. Okay. You didn't put that in your report; 15 Q. Okay. That's a pretty important statement 16 did vou? 16 by the authors: isn't it? MR. COREY GORDON: Object to the form of 17 17 A. No, I didn't. 18 Q. Okay. You cite to the Oguz study; correct? 18 the question, lack of foundation. A. Where am I looking here? 19 O-G-U-Z. 19 20 A. Yes. Yes. 20 Q. (Indicating.) Right after you stopped Q. Any criticism of that study? 21 underlining up here. 21 A. It was pretty good. He randomized people, A. Right there? (Witness reviewing exhibit.) 22 22 So you're saying "only the maximum number of health 23 there were 80 orthopedic patients, and he looked at 23 24 the influence of either device on the CFUs and found 24 professionals" --25 Q. No. Over here, sir. Right after this 25 none.

Page 298 Page 300 underline here. [Indicating.] 1 one surgery dealt with total knee replacement. 1 A. Oh, this one. Okay. (Witness reviewing 2 2 A. I think that's right. 3 exhibit.) 3 Q. Okay. Most of them were short surgeries; 4 It might not. So I think that -- I think 4 correct? good authors will try to look and give their own 5 A. Yes. 6 critique of potential shortcomings. 6 MR. COREY GORDON: Object to the form of 7 O. Okay. Now let's look at the table 7 the question. underneath there that looked at the multivariate 8 8 Q. Let's move on to page --9 Go to page 34 [Exhibit 1]. analysis. 10 Do you agree with me for four out of the six 10 (Discussion off the stenographic record.) plates that there is a higher incident of bacteria MR. ASSAAD: Let's take a break then. 11 11 when forced-air warming was used as compared to when (Recess taken from 3:53 to 4:02 p.m.) 12 12 forced-air warming was not used, or when the HotDog 13 13 BY MR. ASSAAD: 14 was used? 14 Q. Ready to continue, doctor? 15 A. Where is this? 15 A. Sure. Q. Table 2. 16 16 Q. Now let's look at page 34. 17 A. Oh, I'm sorry. It's these? 17 A. Okav. Q. Yeah. The second line down. 18 18 Q. You go over three studies that talk about A. Okay. (Witness reviewing exhibit.) So what 19 19 the nasal colonization of Staph aureus? are you -- Make sure that I know what you're looking 20 20 A. Yeah. -- what numbers. 21 Q. You agree with me that none of those studies 21 O. Let me read it out loud for you. 22 22 looked at the incidence of periprosthetic joint 23 A. Yeah. Go ahead. 23 infection: correct? 24 O. Table 2 is the results of a multivariate 24 A. Let me see where I am here. (Witness 25 analysis of factors; correct? 25 reviewing exhibit.) You're sure Kalmeijer? I just Page 299 Page 301 A. Yeah. Yeah. 1 can't remember exactly. 1 Q. And that's what you were talking about; 2 Do you have that paper, just remind me. 2 3 Q. I do have Kalmeijer, I only have one copy. 3 correct? You don't have it with you? 4 A. I am. 4 5 Q. And it looked at the presence of forced-air 5 A. No. I don't have anything. warming; right? On plate 1 it was 1.13; on plate 2 it 6 O. Okay. Well actually, let's look -was 1.07, and you even highlighted it in blue; plate 3 7 MR. COREY GORDON: He might in the box, if 7 is 1.30; plate 4 is 1.55; and plate 5 and 6 are 1.0. 8 not what's up there. 9 Is that correct? 9 A. Yeah, I don't know. A. Let me look. In the "absence of laminar 10 Q. Let's look at Kalmeijer, which is the 10 flow," you're looking at that, or the "presence of 11 surgical site in -- you can use my copy --11 12 forced air warming"? 12 surgical-site infections in orthopedic surgeries. Q. "Presence of forced air warming." 13 13 Is that the paper you're referring to? A. Yeah, that's correct. 14 A. Yeah. 14 Q. Okay. 15 Q. So with the presence of forced-air warming 15 there was an increase in bacterial load over the A. Is it -- If it's not joints, I just wanted 16 16 17 to make sure. I thought it included -surgical site. 17 18 MR. COREY GORDON: Object to the form of 18 Q. Actually, if you look at the page that looks 19 at the number of patients, --19 the question. 20 Q. That's what those numbers mean; correct? 20 A. Yeah? For four out of the six plates. Q. -- you can see that in -- when mupirocin is 21 21 A. Oh, I see what you're saying. Yes. 22 22 used --23 Q. Okay. 23 A. Mupirocin, right. 24 A. For four out of the six, yeah. 24 Q. -- there were zero infections; correct? 25 Q. Okay. And you are aware that the -- only 25 A. Yeah.

Page 302 Page 304 Q. You talk about Chen, et al, Clinical Q. And then when the placebo is used there was 1 1 only one infection; correct? 2 Orthopedic? 3 A. Yes. 3 A. Yeah. Q. That's not --4 4 Q. Yeah. Page 65. 5 5 A. No, that's not right; is it? A. Deep infection. 6 Q. Yeah. And we're talking about deep 6 Q. I'm sorry. Sixty-four. 7 infections; correct? 7 A. Yeah, that's right. Okay. Thank you. 8 8 So, let's see. (Witness reviewing exhibit.) A. Yes. 9 Q. That's not statistically significant; is it? 9 What I remember that the study said is they mixed 10 A. I don't think so. 10 superficial and deep in their review of the literature Q. Okay. So would it be fair to say that if because it wasn't always clear. So it might be a mix 11 11 you used --12 of some of these. 12 13 Is it mupirocin? 13 Q. So sitting here today there is no evidence 14 A. Mupirocin, yeah. 14 or data that indicates having colonization of Staph in 15 Q. -- mupirocin, that there is no data that 15 your nose significantly increases the risk of indicates that it would statistically impact deep 16 periprosthetic joint infection; correct? 16 MR. COREY GORDON: Object to the question, 17 joint infections? 17 A. In that study. 18 18 mischaracterizes his testimony. Q. In that study, okay. A. Well what I said is there's a mix of -- of 19 19 periprosthetic joint infections and the more 20 And you consider this study authoritative; 20 21 21 superficial ones in here, and I can't tell you, you correct? A. Yes. 22 know, what proportion. 22 Q. Okay. So you have no opinion. You can't 23 Q. Okay. What about the other studies? Do you 23 24 agree with me that none of them found that nasal --24 make the statement today -nasal colonization of Staph -- of Staphylococcus had 25 A. Oh, I make an opinion, yeah. I mean I would Page 303 Page 305 any effect on periprosthetic joint infection? 1 -- You're going to surgery? Yeah, I'm going to tell 1 A. Well I showed you the data from Chen, and in 2 you before you take your hip get the mupirocin. 2 3 3 the articles I even had the graph, I think, related to Q. I understand that. 4 4 that. A. That's my opinion. 5 5 Q. I'm talking about page --Q. There's no data that --6 A. They were mixed --6 I mean the only study that we have that 7 7 compared the two between a deep joint using --Q. Okay. 8 8 A. -- deep and superficial, but they were A. Mupirocin. prosthetic joints. 9 Q. -- mupirocin and not is the Kalmeijer study; 10 Q. Those were the types of surgeries; correct? 10 correct? A. Yeah. Is that what you want? MR. COREY GORDON: Object to the form of 11 11 12 Q. No. But the difference is whether or not it 12 the question, mischaracterizes his testimony. A. Other -- What I just said, there's a mixture 13 caused a superficial wound infection or a 13 periprosthetic joint infection. And there's no data 14 here. I can't take out pure prosthetic joint 14 infections. Is that what you mean? Then I don't have 15 that having colonization of Staph in your nose has an 15 16 effect on periprosthetic joint infection; correct? 16 that. It's a mixture of periprosthetic joint A. Yeah, I -- Again, Chen. Let's look at that, 17 infections and the superficial ones, and she has five 17 18 because I thought --18 studies here and they all show 50 percent reduction or Where do I have that in my notes? He has --19 19 20 O. What page are you referring to? 20 Q. But they -- they might be a 50 percent A. Well I'm trying to find it. Maybe it was reduction in just superficial wound infections; 21 21 earlier. (Witness reviewing exhibit.) Sorry I'm 22 22 correct? 23 23 taking so long. A. I don't think there were zero prosthetic 24 Q. Why don't you look at page 65? 24 joint infections in these the way that article was. 25 A. 65? 25 Q. Can you --

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I mean, if you wanted to do a study to look at whether or not mupirocin reduces the incident of periprosthetic joint infections, you have to look at just periprosthetic joint infections; correct?

- A. That's ideal, right.
- Q. Okay. And one study we are aware of looked at that, and that is the Kalmeijer study that you consider authoritative; correct?
  - A. Yeah.

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- 10 Q. Okay. And they saw no difference between using mupirocin and not with respect to deep joint 11 infections; correct? 12
  - A. That's what they showed.
  - Q. And as of right now that is the only data that we have available with respect to deep joint infections. Solely on deep joint infections, not combining everything together.
    - A. When you say it that way, "solely," yes.
  - Q. Okay. Because when you start looking at superficial wound infections then you really have to look at, you know, you really can't make a -- a -- a reliable opinion with respect to periprosthetic joint infections because for -- it could be possible that you're looking at just a reduction in superficial

was used or could have been used in the operating room: correct? 2

Page 308

Page 309

- 3 A. I would say "could have." I don't know. I 4 don't remember.
  - O. Well based on your education, training and experience, and your understanding of the use of the Bair Hugger, can we agree that more likely than not that the Bair Hugger was used --
    - A. I think it was --

10 MR. COREY GORDON: Object to the form of the question, lack of foundation. 11

12 MR. ASSAAD: I didn't finish my question. Can you please wait for me to finish my question? 13 14 MR. COREY GORDON: Sure.

Q. Based on your education, training and experience, and your understanding of the Bair Hugger and its use during operations, that more likely than not that the Bair Hugger was used in the surgeries that Brandt and Gastmeier reviewed?

MR. COREY GORDON: Object to the form of 20 21 the question, also lack of foundation.

A. So two thou -- The Bair Hugger's been in, let's say 25, 30 years, so I would have thought so, but again, I don't know.

Q. Okay. Are you aware that 3M admits that

Page 307

1 every study that looked at whether or not the Bair

Hugger increased particles or hydrogen bubbles over 3 the -- Sorry. Strike that. 4 Are you aware that Bair -- 3M admits that 5

every study indicates that whether you looked at hydrogen or particles, that both were increased when the Bair Hugger was turned on as compared to the Bair Hugger was turned off?

MR. COREY GORDON: Object to the form of the question, misstates the evidence.

A. So I'm not aware that 3M admitted that. No. 11 12 I'm not aware of that.

13 Q. If that is the case, would that cause you 14 any concern that the Bair Hugger increases particles 15 over the surgical site?

16 A. What I know now it would cause me no concern 17 because all the studies that get closer, looking at 18 CFUs, can't show that.

Q. Well are you aware of the Stocks article 19 20 that did a correlation between CFUs greater than 10 microns and --

- 21 A. Yes. 22
- Q. -- and --23
  - A. I'm sorry.
    - Q. -- and CFUs?

1 MR. COREY GORDON: Object to the form of 2 the question.

A. Hypothetically, according to that, yeah. I 3 4 mean, it's --

Q. Okay. All right.

wound infections; correct?

Now you agree -- Let's look at page 38.

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Q. Okay. This is your discussion on your opinions on laminar flow and rates of SSI; correct?

A. That's true.

Q. And Lidwell, the Lidwell studies were done 11 12 in the '80s; correct?

A. That's right.

Q. And then the Brandt study was done in --14 recently; correct? 2008? 15

A. 2008 I have the publication.

- Q. Okay. And Gastmeier's 2012; correct?
- 18 A. Gastmeier's two thou -- Yes.
- Q. Okay. Now you would agree with me that 19

20 during the time that Lidwell was doing his -- his

- studies, that the -- that the Bair Hugger wasn't used 21
- in the operating room; correct? 22 23
  - A. Yeah, pretty sure it was not.
- 24 Q. Okay. But in the Brandt study and the
- Gastmeier study you agree with me that the Bair Hugger 25

78 (Pages 306 to 309)

Page 310 Page 312 Q. Okay. And the ASA score is based on the 1 A. Yes. 1 2 Q. Do you agree with that study? 2 patient; correct? 3 A. Yes. 3 A. It is. O. Okay. Page 46. Q. Okay. Now where it says, "if op time 4 4 5 I just want to understand your CDC NNIS 5 exceeds the 75th percentile for that procedure," is 6 6 there somewhere I could look at to see what the -- the score. 7 A. Yeah. 7 time for each type of procedure is? 8 8 A. I think there is, but I -- I don't know the Q. And I guess you look -- to determine the risk factor for a surgical site risk, one of the 9 CDC reference for that, though. things you can look at is an NNIS score; correct? 10 O. Okay. Looking at the bottom, the odds ratio 10 of the variables. 11 A. Yes. 11 Q. Okay. And when you talk about the 12 12 A. Yeah. Q. Why is it if you have private insurance surgical-site infection risk, do you know whether or 13 13 not the CDC is referring to a superficial wound you're less likely to get a surgical-site infection? 14 14 infection or a periprosthetic joint infection? A. My guess is that it's a surrogate for 15 15 A. I don't know for sure. healthier people who are less likely to have some of 16 16 17 O. Well that would be --17 the other comorbidities. I don't know the answer, but 18 Since we're talking about, in this case, that's my thought. 18 periprosthetic joint infections, that would be Q. Go to page 49. 19 19 20 relevant; correct? 20 A. Okay. 21 A. Yeah. 21 Q. You write: "Of interest, there were no 22 Q. Okay. Now if you look at the criteria --22 prosthetic joint infections...among diabetics who were Well what's your understanding of the length 23 23 not obese..." 24 of time of a -- a -- and I might have asked you 24 Did I read that correctly? this -- a length of time for a total hip or total 25 A. You did. 25 Page 311 Page 313 knee? 1 Q. So would you agree with me that the mere 1 2 A. I think they're around two hours. 2 fact that you have diabetes, that it does not increase 3 the risk of periprosthetic joint infection? 3 Q. Okay. So you agree with me that most likely A. No, I wouldn't. This is this study, and 4 the last criteria you offer one point for if op time 4 5 exceeds the seventieth percentile for that procedure, 5 that's what I would cite to say in that study that's 6 or greater than three hours for a joint --6 what they found. (Interruption by the reporter.) 7 Q. Okay. Well what's your opinion, sir? 7 Q. -- if op time exceeds the 75th percentile 8 8 A. I think diabetes is a risk factor. for that procedure, or greater than three hours for 9 Q. Okay. So you disagree with the -the joint replacement, that we could probably 10 A. I do. 10 eliminate greater than three hours as one of the Q. -- the results of the study. 11 11 12 criteria that would be -- apply to total hip and total 12 A. I do. 13 knee. 13 Q. Okay. But you cited this study in your MR. COREY GORDON: Object to the form of 14 14 report. the question, --15 A. Sure. I told you I'm trying to show you 15 16 A. These --16 everything I have. 17 MR. COREY GORDON: -- lack of foundation. Q. And you would consider obese a BMI greater 17 18 A. These are not my criteria, these are, you 18 than 30; correct? know, CDC's, and I don't think today there would be 19 A. Yes. 19 20 that many patients who would have more than three 20 Q. And you'd agree with me that there is a big difference with respect to risk factors of 21 hours. 21 22 surgical-site infections between obese and morbidly 22 Q. Okay. And we could agree that for total hip 23 and total knee it's not a contaminated or dirty 23 obese. 24 surgery; correct? 24 A. Yeah, I think it's probably worse with A. Yes. It's a clean surgery. 25 25 morbid obesity, yeah.

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Page 314

- O. And I believe you cited an article you looked at where they looked at the BMI greater than 30 and the BMI greater than 40. Is that -- Am I recalling that correctly?
- A. You may. I can't think it -- I don't know what that is right now, but it might be so.
- Q. So I understand that you read many articles and did an extensive literature search with respect to formulating your opinions in this case; correct?
  - A. Yes.

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- 11 Q. Okay. So when you come to your ultimate 12 opinions, what methodology did you use in doing your review to determine your opinions? 13
  - A. What I think I've done is actually take a look at the hierarchy of all the studies that fell into any one group. So I looked separately at clinical trials, I looked at meta-analysis,
- 18 case-control studies, cohorts, national trends, and then the data on CFUs as a biological plausibility. I 19
- 20 have -- There are 15 studies from there. I looked at
- 21 the particle studies, which I think are really distant
- 22 surrogate markers of infection. And then together, I
- 23 would say, as -- as a complete package, I can't find
- any, you know, convincing link between the Bair Hugger 25 and harm.

A. I think the -- the bulk of data, so many different studies, including orthopedic studies where I gave you from Chen, there is no way that I would want the orthopedic patient not to have nasal mupirocin preoperatively, and that's pretty much the standard around the country.

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Page 317

Q. Well that's not the standard where Darouiche did his study; correct?

MR. COREY GORDON: Object to the form of the question, lack of foundation.

- A. Yeah, I -- I -- he -- that study, no. In terms of that study, he didn't do that, but --
- 13 O. Okav. So --
  - A. -- that wasn't prosthetic joint infections. Are you talking about the first study?
- 16 Q. Yes.
- 17 A. Of the -- Using the antiseptic?
- 18 Q. Yeah.
- A. Yeah, that's -- that's obviously different 19 20 than prosthetic joints. 21
  - Q. So you would use it for prosthetic joints but not for other surgeries?
  - A. Yeah, there -- I -- I think the standards are today, any implant; so orthopedic implant, cardiac implant, and neurosurgery implant, all those people

Page 315

We can talk about the McGovern study as the one sort of study that stands out until recently. They gave an initial signal, but the more I looked at that study, the more problems I had with it.

Q. With respect to your methodology to de --Strike that.

We've talked about some studies today in which they offered data or opinions that contradict your opinions; correct?

- A. There were some.
- Q. Okay. What was your methodology to de -- in determining which studies you would use to support your opinions and which studies that you would disregard?
- A. I don't know that I would sort of just blatantly disregard anything. I looked at the collective sort of sense within each category, if I could.
- Q. Well, for example, you think that nasal colonization of Staph will have an effect on periprosthetic joint infection, but you disregard the only study that looks at it that says there is no statistically significant difference.

MR. COREY GORDON: Object to the form of the question, mischaracterizes his testimony.

- 1 should be getting mupirocin and chlorhe -- and 2 chlorhexidine baths.
  - Q. And the mupirocin is for the nose; correct?
  - A. It is.
- 5 Q. Okay. So that would indicate to me that you 6 are trying to kill the bacteria in the nose so it 7 doesn't become aerosolized; correct?

MR. COREY GORDON: Object to the form of the question. 10

- A. No, that's not the... I'm trying to kill the bacteria in the nose, and if you kill the bacteria in the nose you actually show a markedly reduced bacterial burden in the rest of the body.
  - Q. How does that occur?
- A. You know, the joke that I use is think about all the people that touch their nose when they -- you know, during the day, and 30 to 50 percent of people who have Staph aureus in the nose have this on the strai -- on their hands, and when you do fingerprints, 97 percent are the exact same strain. So I don't know for sure, but I think that we all have a lot of contact with our nose and mouth.
- Q. And when do you give the mupirocin to the patient?
  - A. Ideally you would have them come into the

80 (Pages 314 to 317)

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Page 318

pre-op center and -- where they get evaluated in general for anesthesia five days before the surgery, 2 and then twice a day for five days.

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- Q. So I'm just trying to understand, like, when you look at a -- a peer-reviewed article, what methodology do you have to determine whether or not the article is something that you're going to rely upon and agree with as compared to something that you may not agree with?
- A. Well I could go on for a long time, but I think what I would do is look at the methods section in a very critical way. For example: Did they have a clear hypothesis? Did they have a clear endpoint? If they're counting infections, what was the method of case finding? Was there any validity to the case finding technique? You know what I mean by that? When I say -- I'm going to go back. If they say they found it, was it really a case, or was it a mistake? Was it -- What kind of study was it really; a
- 19 prospective, a clinical trial, was it observational 20
- 21 trial? If it was observational, were the two things
- that we're interested in looked at concurrently? I'd 22
- 23 want to know a little bit about how they, you know,
- 24 did some power studies, what Alpha was in the study,
- and the length of follow-up, of course, would be all 25

1 certain areas.

2 A. Okay. (Witness reviewing exhibit.) Oh, in 3 the "DISCUSSION." What do you want me to tell you?

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Q. I mean, is that your underlining?

A. Oh yeah, it is.

- Q. Can I look at it real quick, please?
  - A. Yeah, sure. (Handing.)
  - Q. You highlighted, in the --

And what Exhibit 12 is is the article titled

10 Forced-Air Warming Does Not Worsen Air Quality in 11 Laminar Flow Operating Rooms, authored by Dr. Sessler,

12 Dr. Olmsted and Kuelpmann. Is that correct?

- A. I think they're the authors, yeah. Yeah.
- Q. Why wasn't this article, which is clearly something you reviewed, in -- somewhere in your report?
- A. I don't know. Don't remember.
- 18 Q. Were you told by anyone not to include this 19 article in your report?
- A. First of all, no one's told me anything, and 20 21 I wouldn't listen anyway.
- Q. Okay. You underline, "Our results are 22 consistent with computational fluid dynamic models 23
- 24 that show that properly designed air handling systems

25 combined with natural protective aspects of convective

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important things. I'd want to look at what statistics that they used and how they were going to evaluate

success or not. And I would hope that they would have not only efficacy, but a safety profile to go along by which you could make a, if you will, risk/benefit

6 compared to an alternative. 7

I could go on for awhile, but I think you got the idea.

Q. I think I get the idea.

MR. ASSAAD: So let's mark this as the next exhibit.

(Wenzel Exhibit 12 marked for

identification.)

(Discussion off the stenographic record.)

BY MR. ASSAAD: 15

Q. Do you --

Have you seen this article before?

- A. I don't know. I'm not sure I have, but.
- Q. I represent to you that it came out of the box of documents that you provided to us today.
- 20 A. Yeah. You know, when you read a lot, I'm 21
- 22 not positive. I want to be able to tell you 23 accurately.
- 24 Q. And if you look at a couple pages later, I think the next page, it's actually underlined in 25

- 1 currents up from the patient, are effective in
- reducing particle concentrations" near surgical --3 "near the surgical site."
  - A. Yeah. That's what he said.
- 5 Q. Well my question is why did you underline 6 that section?
- A. You know, a lot of times I underline things because, one, I don't understand and I want to read it a second time, or I wanted to ask a question from counsel. And as I told you earlier, I'm one of these guys that often underlines, you know, a big chunk of 12 the re -- if you gave me a novel, unfortunately, I'd 13 ask you if you wanted it back because I underline that 14 stuff.
- 15 Q. So sitting here today you don't know why you 16 underlined it?
  - A. I don't remember.
  - Q. Okay. Now do you recall --

You said you've read the Sessler

20 depositions; correct?

- A. I think so. I don't remember a lot of -- I 21 22 thought I had.
- 23 Q. Do you recall the discussion I had with Dr. 24 Sessler during his deposition regarding his tests?
- 25 A. No, but go ahead. Remind me.

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- Q. You haven't seen the raw data for -- for --1 2 You haven't seen the raw data for the -- for 3 this study; correct? 4
  - A. Correct.

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Q. Okay. Now just so I understand your opinion, if a device significantly increases particles over the surgical site is it your opinion that the -there is going to be no effect on surgical-site infections?

MR. COREY GORDON: Object to the form of the question, also incomplete hypothetical.

- A. You know, I hate to say "always" or "never," I've told you that today. So I'd hate to say "never, ever." But in general for me to think that particles are really important would be if that was linked directly in some way to surgical-site infections and not just be a surrogate marker.
- Q. You agree with me that Stocks linked 18 particles to bacteria for particles greater than 10 19 20 microns; correct?
  - A. He did. I agreed.
- Q. And you agree that Darouiche linked CFUs to 22 23 -- the -- the amount of CFUs to periprosthetic joint 24 infections; correct?
  - MR. COREY GORDON: Object to the form of

- A. I know what you're getting at.
  - O. You remember that?
- A. Yeah.
  - Q. Okay. So --

MR. COREY GORDON: Socrates was a man.

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Page 325

Q. So if -- if Stocks linked particles over 10 microns to bacterial load, and Darouiche linked bacterial load to periprosthetic joint infections, and I understand you have an issue with where is that bacteria coming from, but based on those two studies, and logic, do you not agree that if 10 micron particles increase over the surgical site there is going to be an increase in periprosthetic joint infections?

MR. COREY GORDON: Object to the form of the question, also lack of foundation, incomplete hypothetical.

A. Well I like the logic part, but if you're talking about Darouiche's study based on four infections, even he says we need to go back and get a much bigger study to see if this is real. That's my -- my recollection of what he did in the discussion.

No one's going to take that kind of study and make a blanket statement about all surgeries.

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1 Q. But you, sitting here, cannot say that my 2 statement is not true; correct?

3 A. I --

4 MR. COREY GORDON: Object to the form of 5 the question.

A. I don't think it's true. I think it's -- we need a lot more information for your statement --

O. Okav.

9 A. -- to be right, unless you're making it totally hypothetical. 10

Q. I didn't ask you if it was true.

You can't offer the opinion that that -that that progression between Stocks and Darouiche and particles over 10 microns can be correlated to periprosthetic joint infections is not true.

MR. COREY GORDON: Object to the form of the question, --

Q. You just want more data.

MR. COREY GORDON: -- in --

Object to the form of the question, incomplete hypothetical.

21 22

- A. Well I want more data, and also, you know, I'd say if you -- Well, let me pause for a second. I'm trying to -- I'm getting a little tired, I think.
  - Q. Let me withdraw the -- Let me make it a

the question.

- A. Yeah. That was his link, yes. 2
- Q. And you agree with that? 3
- 4 A. Yeah.

(Interruption by the reporter.)

- A. His link, yeah.
  - Q. Okay. So if you're looking at just 10 micron particles, would you agree with me that an increase in 10 micron particles over the surgical site would increase the risk of periprosthetic joint infection?

MR. COREY GORDON: Object to the form of the question, incomplete hypothetical.

- A. That's the question that we're trying to get at, and I don't think we have conclusive information that particles equal infections.
- Q. Are you looking for a hundred percent certainty?
  - A. I never look for a hundred percent, sir.
- O. Well do vou remember back in, maybe it was high school, we had to learn logic? Remember that?
- A. Yeah. I took a college, not high school course, in logic.
- 24 Q. Okay. You know, if you -- A -- you know, if A equals B and B equals C, then A could equal C?

Page 326 Page 328 little bit easier, okay, because I know it's a lot of 1 correct? 1 2 2 A. Yes. 3 For example, if Darouiche came out and came 3 Q. Okay. And the water is --4 up with -- did the same exact study and showed no 4 It's a closed system; correct? correlation between CFU load over the surgical site 5 A. It's not so closed as -- as what I've heard and periprosthetic joint infections, then there would 6 from our perfusionist. be no need for a further study because that study 7 7 Oh, that part, the tubing is. 8 indicated that it's irrelevant; correct? 8 Q. Yeah. 9 9 A. Yeah, not the tank of water. A. If a --10 MR. COREY GORDON: Object to the form of 10 Q. Which is -- the tank -the question, incomplete hypothetical. 11 11 A. I'm sorry. A. If a new study came out, much bigger and 12 Q. -- the tank's in the corner of the operating 12 room; correct? 13 showed there's nothing going on, yeah, I think that 13 would be the end, or -- or certainly close. A. The tank is, yeah. 14 14 Q. My point is, further study is needed; 15 Q. Okay. But the --15 correct? A. And they have --16 16 17 A. For sure. 17 O. -- tube is closed; correct? Q. Okay. And the reason why you think further A. -- tubes that -- tubes are closed. 18 18 Q. Okay. And it might not -- there might be study is needed, because you can't exclude the fact --19 19 20 the scenario that if you increase 10 micron particles 20 some leaks or some vapor inside the -- the over the surgical site it would have no effect on 21 heater-cooler unit; correct? 21 periprosthetic joint infections. 22 22 MR. COREY GORDON: Object to the form of 23 A. I've seen --23 the question. 24 MR. COREY GORDON: Object to the form of 24 A. You're talking about above the tank of 25 25 the question, incomplete hypothetical. water? Page 327 Page 329 A. -- just no data that I can say to answer 1 O. Or -- Or inside the heater-cooler unit where 1 that no, so that's right. the tank is, it might -- there might not be fully 2 Q. But you can't exclude it either; can you? 3 3 closed or there might be some leakage or vapor. 4 MR. COREY GORDON: Object to the form of 4 A. I can never exclude things that aren't 5 there. 5 the question, also lack of foundation. 6 Q. Okay. Especially after the Stocks and 6 Q. Let me ask you this. Why do you -- Why do you not think it's a closed system at the 7 Darouiche study; correct? 7 8 8 A. Yeah. heater-cooler device? 9 Q. Okay. 9 A. Well, I mean, you just open up the thing a A. I mean that's... 10 little bit, I had the perfusionist show me this when 10 O. Let's talk about heater-cooler. they started to have infections about a year and a 11 11 12 A. About what? 12 half ago, and you can just see this big tank of water. Q. The heater-cooler. Q. Okay. And what do you see? 13 13 14 A. And there's a fan right behind it, yeah. 14 A. Okay. Sure. 15 Q. And I believe that's on page 75. 15 Q. Okay. And -- And you're saying the fan is 16 A. Yeah. 16 blowing the water? Q. Now you understand that the heater-cooler 17 A. It's blowing above the water. 17 18 device is not near the surgical table. 18 Q. Okay. And what does that cause? A. The device itself is away from the table, 19 A. Aerosol. 19 20 20 O. Aerosol that could be contaminated? veah. A. This study they showed that the air 21 Q. It's actually probably in the corner of the 21 22 22 room. contained Mycobacterium chimaera. 23 23 Q. Okay. And it actually reached the patient; A. Often far away, yeah. 24 Q. Okay. And it is -- it has tubes that carry 24 correct? water to either heat or cool down the patient; 25 (Interruption by the reporter.)

Page 330 Page 332 Q. And it actually reached the patient; 1 1 Q. Why not? 2 2 A. I think I had enough to do I guess trying to correct? 3 A. It did. 3 get this report together, and... Q. And so it was an airborne contamination that 4 Q. You spent over 300 hours, why not spend 4 5 caused the infection to the patient; correct? 5 another hour on the report -- or looking at the 6 A. Yes. 6 manual? 7 7 MR. COREY GORDON: It's actually MR. COREY GORDON: Object to the form of 8 "Mycobacterium chimaera." 8 the question. 9 THE REPORTER: Thank you. 9 A. I mean -- I mean, I guess I'm more 10 O. You do not dispute the fact that the Bair 10 interested in the infections and the outcomes than, Hugger harbors bacteria, -you know, how it worked, and so I didn't look at it. 11 11 12 MR. COREY GORDON: Object --12 Q. Do you know the difference between the Model Q. -- the device itself. 505 and the Model 750? 13 13 14 MR. COREY GORDON: Object to the form of 14 A. I understand there was a filter that was the question, incomplete hypothetical, lack -- lack 15 15 different. of foundation. Do I have the right -- Is that correct? I'm 16 16 trying to think if I have the right statement. 17 A. So there've been some cultures of the tubing 17 that have shown organisms, and some have been swabbed, 18 Q. Well, I'm not going to answer questions. 18 some have been rinsed, I think, and I think I showed I'm asking you questions. 19 these in my report, everything that -- that I knew A. Yeah. No, that's --20 20 21 about that. 21 Q. Do you know the difference in the airflow? A. No. 22 Q. So you don't dispute that the Bair Hugger is 22 23 contaminated internally. 23 Q. Do you know the difference in the amount of 24 MR. COREY GORDON: Object to the form of 24 heat it produces? 25 A. No. 25 the question. Page 331 Page 333 A. It -- In some studies they found bacteria. 1 Q. Do you know what a thermal plume is? 2 A. What is what? 2 It's not sterile. 3 Q. A thermal plume. 3 Q. Okay. And it can't be cleaned; correct? MR. COREY GORDON: Object to the form of 4 4 A. No. I would assume it's --5 the question, lack of foundation. 5 No, I don't know what it is, but. A. I've read that, but I don't know, I mean. 6 (Discussion off the stenographic record.) 6 7 Q. Well you've seen the device; correct? Q. Have you reviewed studies that indicate that 7 8 8 A. Yeah. I have. when the Bair Hugger is turned on that it actually 9 Q. Are you aware of anyone that's ever cleaned 9 increases the temperature around the surgical table? A. Yes, I think it does. the inside of the hose of a Bair Hugger? 10 10 MR. COREY GORDON: Inside of the hose? 11 O. So you agree with that? 11 12 MR. ASSAAD: Inside the hose. 12 A. At least some studies have, yeah. MR. COREY GORDON: Object to the form of Q. You don't dispute that; correct? 13 13 14 the question, lack of foundation. 14 A. No. A. Oh, inside the hose. You're not talking 15 15 Q. And it makes sense; right? about the -- you know, the blower itself? 16 A. Makes sense, too. 16 O. The blow --17 O. Yeah. 17 18 or the blower or anything. 18 (Discussion off the stenographic record.) A. Well Bernard, in his study, said he did it 19 Q. And you would agree that that -- that the 19 20 because he thought it was important. 20 Bair Hugger's blowing heat down underneath -- above Q. Okay. But have you looked at the operating the -- like over the patient and then it goes down 21 21 towards underneath the operating room table; correct? room manual? 22 22 A. Have I looked --MR. COREY GORDON: Object to the form of 23 23 24 Q. Yeah. 24 the question, lack of foundation. 25 25 A. I think it goes down, but I'm -- I told you A. Oh, no. I haven't looked at that, no.

Page 334 Page 336 A. Yeah. He left out all the issues related to earlier I wasn't an expert in aerodynamics and --1 1 2 Q. Okay. 2 confounding and bias, and --3 A. -- didn't look at all those, you know, 3 Q. In the Cleveland Clinic study; correct? computational studies. 4 A. No, no. The Cleveland Clinic has all the --4 5 Q. You've written many research papers; 5 they have a multivariate analysis before they put out 6 correct? 6 their report. 7 7 A. Yes. Q. Did they look at their infection rates 8 Q. Peer-reviewed papers; correct? 8 overall during the time periods of 2013 and 2015? 9 A. Yes. 9 A. Did they do what? 10 Q. And do you agree with me that when you do a 10 O. Did they look at the infection rates study, the paper should include enough methodology in 11 overall, over all surgeries? 11 A. Umm -the methods section so the study could be repeatable; 12 12 O. Do you know that, whether or not, whether 13 correct? 13 14 14 they did that? A. Yes. 15 Q. Okay. And that's how you determine whether 15 A. This is -- I think it was all prosthetic or not the study is reliable; correct? joint is what I recall, Kurz. 16 16 17 A. Well it helps, yeah. 17 O. You understand that Cleveland Clinic's a Q. Okay. Because with -- you know, 18 18 teaching hospital; correct? repeatability is pretty much synonymous with A. It is. 19 19 reliability; correct? 20 20 Q. And they have a lot of residents; correct? 21 A. Yeah, I would think that's reasonable. 21 A. Correct. 22 Q. Now with respect to maintaining 22 O. And infection rates may depend on the 23 normothermia, you're not advocating for one device 23 attending and the residents; correct? 24 over another; are you? 24 A. There's some data for that, sure. A. In terms of general for the patients to 25 Q. There's a lot of data for that; correct? 25 Page 335 Page 337 remain? 1 A. Yeah. 1 2 Q. And they didn't look at, you know, using the 2 Q. Yes. A. No, I'm not. As long as the patients are 3 3 Mistral and the Bair Hugger at the same time, they 4 warm, I think they'll probably do okay. 4 looked at at different time periods; correct? 5 Q. So just so I understand, you're not here 5 A. That's true. 6 advocating that the Bair Hugger device is better than 6 Q. So there could be different physicians doing the Mistral device; correct? 7 7 the surgeries; correct? 8 8 A. Actually is that the one that's just been A. Yeah. 9 tested by Kurz; is that the Cleveland Clinic? 9 Q. Different residents? 10 10 A. Yeah. Q. Yes. A. Yeah. Actually they look like they were the Q. Okay. There could be different skin preps 11 11 12 same, but there's actually, as you know, a lower rate 12 during those times in those two years? with the Bair Hugger than with the HEPA filter 13 13 A. Yeah, I don't know the answer to that. forced-air warming, it's .44 versus .74 I think. 14 Q. Exactly. We don't know the answer to that, 14 15 Q. Okay. Any criticism of that study? 15 do we? Okay. A. I don't. Somebody might. 16 A. It was a remarkably robust study. You're 16 talking about 5,000 patients and they did something, 17 O. We agree that --17 18 you know, and they have the part of their prospective 18 Could you agree with me that the difference cohort, and they did multivariate analysis and they was not statistically significant? 19 19 20 looked at comorbidities. So a huge study. And with 20 A. Correct. the Bair Hugger a rate of .44, which I think is Q. Okay. You're not offering those criticisms 21 21 22 for -- for that study; are you? 22 percent, that's as good as anywhere in the world. 23 Q. Well that's similar to what McGovern did, 23 A. No. I would tell you right away exactly the 24 isn't it? He just -- They stopped using one product, 24 data. then used another and they did a comparison; correct? 25 Q. But you're not offering, so I had to

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seen.

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actually pull them out of you; correct? 1

A. Well I gave --

3 MR. COREY GORDON: Object to the form of 4 the question.

Q. Right?

A. I was trying -- I mean I was trying to get your answer to, you know, is there any difference between the two devices.

Q. And we haven't seen -- we haven't looked at 9 10 the --

11 This is just the poster presentation;

12 correct?

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A. Yeah. 13

Q. Have you seen the manuscript?

A. I think I've seen the manuscript, I'm trying 15 to remember, or at least a draft of something. It 16 17 might be just an enlarged poster.

Q. Well which was it? Did you see --18 I want to talk either about the manuscript or the poster. Which one you want to talk about?

A. Let's talk about the poster is fine.

Q. Have you looked at the manuscript? 22

23 A. I think I saw more data than just the 24 poster, yeah.

Q. Okay. What data else did you see? 25

MR. COREY GORDON: Gabe, I'll just represent, he hasn't -- the only thing he's seen is what was attached to Mont's report. There is no -however you want to characterize it, there's no other data that he or I or anyone connected with the plaintiffs -- or with the -- with this litigation has

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Q. So you're sitting here advocating for the Bair Hugger as a better device than the Mistral?

A. I'm not advocating for them. I'm saying that after review of the literature I've come to the conclusion that the Bair Hugger is not linked in any way to harm.

Q. Okay. And what about -- I mean -- Strike that.

But with respect to patient warming, as long as the patient is kept warm, you don't care what method is used; correct?

A. Right now I think there are no data to show that if the patients are warmed by anything else, particularly after the Kurz study, you have that warmer as an additional one. It looked the same.

23 O. Which warmer?

A. The HEPA -- the forced-air warmer. So that's probably the best data I could point to.

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A. What? 1

Q. What other data did you see? 2

A. Besides what? 3

Q. I mean, what data did you see about that study with respect to the -- the Cleveland Clinic study besides the poster?

A. Well I'm not sure I saw anything, but I thought I saw an expanded poster, I guess. I don't --I don't know.

Q. Is it in your box of documents?

A. I hope so.

MS. ZIMMERMAN: I didn't see it. I could be wrong.

THE WITNESS: Yeah, I'm sorry.

MS. ZIMMERMAN: No. No. That's all right.

16 Q. By the way, are there -- are there documents that you did not print up that you looked on -- that 17 18 you have on your computer? 19

A. No.

20 Q. So every document you reviewed you printed up and highlighted or have done something with it. 21

A. Yeah. I don't like to read stuff on the computer.

23 24 Q. Okay.

A. I'm old. 25

Q. Are you aware of the CDC indicating that there should be nothing in the OR that blows air?

MR. COREY GORDON: Object to the form of the question, mis --

A. I've read --

MR. COREY GORDON: -- misstates the -mischaracterizes the evidence.

A. I've read the document where they said that, and actually looked at their in-progress, I guess, guideline from December 2016, and they really talk about the air-water interface when they're giving that statement.

I should also say that, because I wanted to be sure, I called the director of the CDC's quality healthcare, I forget what the -- that whole division that oversees HICPAC, and she told me they -- you know, this wasn't pertaining to forced-air warming, it was worry -- their big concern was when, you know, the heater-cooler unit was identified as a really source of serious infection.

21 O. What was her name?

A. It is Denise A. Cardo.

23 Q. How do you spell that, for the court 24 reporter?

25 A. C-A-R-D-O.

Page 342 Page 344 Q. And when did you contact her? 1 MR. COREY GORDON: Object to the form of 1 2 A. In the last couple weeks. 2 the question. 3 Q. Did you contact her at the request of 3 A. I mean, I was told -- asked to come to a meeting to meet them. That's really what there was, 4 4 counsel? 5 5 and we did discuss the study, yes, very much. A. No. They didn't know I did that. 6 Q. Okay. Did you bill it on your -- in your 6 Q. How long did you --7 It was the majority of your discussions; invoice? 7 8 8 A. No, I didn't. correct? 9 Q. Okay. And do you have a record of this 9 A. Probably, yeah. conversation? 10 Q. Okay. And you all got together and figured 10 A. No, I don't. out a way to discredit the McGovern study; correct? 11 11 Q. How did you get her phone number? MR. COREY GORDON: Object to the form of 12 12 A. Called CDC, got ahold of her former 13 13 the question. assistant, because the numbers don't carry over 14 A. I don't know if I would have used that term. 14 sometime when there's some movement, and she said, To look at it critically. 15 15 well you need to talk to this person's assistant. Q. To look at the study critically; correct? 16 16 17 Gave me the assistant, I left a message and asked her 17 A. Yes. Yeah. if there was a good time when I could call. Q. And let me ask you this. Prior to agreeing 18 18 MR. ASSAAD: Take a break? 19 19 to be an expert in this case did you look at the 20 THE REPORTER: Please. Thank you. 20 McGovern study? 21 (Recess taken from 4:57 to 5:05 p.m.) 21 A. No. I don't think I --22 22 BY MR. ASSAAD: O. Okav. 23 Q. Doctor, turning to page 62? 23 A. -- knew about it. 24 A. Okay. 24 Q. Did you --25 O. 62 begins your critique of the McGovern 25 Did you do any research to determine whether Page 343 Page 345 study; correct? or not you agreed with the -- with the defense in this 1 2 A. The clinical arm. case before you agreed to be an expert? 2 A. I spent -- no, just a couple of days, you 3 Q. Yes. Of the McGovern study; correct? 3 4 A. Yeah. Yes. 4 know. So I told you the -- one thing was the timing 5 Q. And you go on for about, from page 62 to 5 was good, it was interesting, it was a single case. page 68; correct? And I thought, well, you know, it might be interesting 6 6 7 A. Let me see. Yes. to look at this, particularly if you're really just 7 8 Q. You did not do a critical critique of any 8 asked to learn and they pay you to learn, and that's other study that -- that you looked at, such as you 9 how I thought about it. did with the McGovern study; correct? 10 Q. Well they didn't pay you to learn, they paid 10 A. That's probably true. 11 you to be an expert for them in this case. 11 12 Q. Okay. You didn't do any critiques of --12 MR. COREY GORDON: Object to the form of (Cell phone interruption.) the question, lack of foundation, mischaracterizes 13 13 MR. COREY GORDON: Sorry. the evidence. 14 14 Q. -- the Sessler study we just looked at; 15 15 Q. It's your understanding that 3M hired you correct? 16 iust to learn? 16 A. True. 17 A. 3M didn't hire me. 17 18 Q. You didn't do any critical critiques of the 18 Q. The attorneys representing --A. The attorneys did, yeah. Huang study; correct? 19 19 20 A. Yeah. 20 Q. And who do you think was paying the Q. Okay. Or the Moretti study; correct? 21 21 attorneys? A. Yes. 22 22 A. 3M. 23 Q. Okay. But you decided to have a meeting 23 Q. Okay. So it's your opinion that 3M or the 24 with Dr. Borak and Dr. Holford and yourself to discuss 24 attorneys hired you just to learn? the McGovern study; correct? 25 A. No. You just asked me why I sort of got

Confidential - Subject to Protective Order Page 346 Page 348 involved, because this is really why. 1 basis 1 2 2 O. Okay. A. Umm-hmm. 3 A. To get a task where you're actually 3 Q. Assume that a hundred percent of reviewing the literature and getting paid for it -periprosthetic joint infections are caused by airborne 5 O. Well --5 contamination in the operating room. Would that 6 A. -- as well, so. 6 affect your opinion whether or not the Bair Hugger 7 7 Q. -- you charged \$300,000 or -- in this case; increases the risk of periprosthetic joint infections? 8 8 correct? A. So the data are the --9 9 MR. COREY GORDON: Same objections. A. Yeah. 10 Q. Okay. And if you were not going to side 10 THE WITNESS: Yeah. I'm sorry. with the defendant with respect to what their position A. The data are the same whatever the 11 11 is in the Bair Hugger, you would agree with me that assumption is that I would base my opinion on. 12 12 they probably wouldn't pay you \$300,000. Q. Well you were -- your assumption is that, I 13 13 MR. COREY GORDON: Object to the form of 14 think it was 80 or 90 percent of periprosthetic joint 14 the question, argumentative, lack of foundation. infections are caused by the patient's flora. 15 15 A. You'll have to ask the -- you know, the A. That's correct. 16 16 17 legal team what they would have done if --17 O. Okay. Assume that zero percent are caused Q. At what point --18 by the patient's flora and a hundred percent are 18 caused by contaminants in the air in the operating A. -- I mean at -- at some point, if I 19 19 20 disagreed, it would be down there. I went -- As you 20 room. Would that affect your opinion based on the know in my report, I've tried to put down what I 21 particle studies, Darouiche, Stocks, the neutral 21 learned, and again I'll give the phrase, read 'em and 22 buoyant studies of whether or not the Bair Hugger 22 23 weep. That's what --23 increases the risk of periprosthetic joint infection? 24 Q. At what point in time did you make the 24 MR. COREY GORDON: Same objections. determination that the Bair Hugger doesn't increase 25 A. So for me the only clinical data you have is 25

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the risks of periprosthetic surgical -- periprosthetic joint infection?

A. You talking about generally, or in the first case, or what?

Q. In the life of Dr. Wenzel.

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MR. COREY GORDON: Object to the form of the question.

A. I don't know exactly when, but towards the time of my report on -- on the first case I said I couldn't find any information that would really link that infection to the Bair Hugger. Got more complicated, as you know, very quickly, and I was surprised how -- how -- how the numbers grew.

Q. Assuming that the majority of periprosthetic joint infections are caused by airborne contamination, would that affect your opinions in this case?

MR. COREY GORDON: Object to the form of the question, incomplete hypothetical, assumes facts not in evidence.

A. It's hard for me to answer that because it's not only a hypothetical, it's something that I just can't find any data for. I don't agree with --

O. I understand that.

But just assume, and I'm allowed to ask you hypotheticals to test your -- your methodology and

McGovern, and I would go through the McGovern study ascritically as I did regardless of what assumption.

Q. Well you agree with me that -- Strike that. You're aware of the Legg studies; correct?

A. Yeah

Q. The particle and the neutrally buoyant helium bubbles; correct?

A. Yeah, yeah.

9 Q. And that shows that when the Bair Hugger is 10 turned on particles and helium bubbles increase over 11 the surgical site; correct?

A. Yeah.

Q. Okay. And you're aware of the McGovern study also did a neutrally buoyant bubble test; correct?

A. Yes, I think that's right.

Q. Okay. And you're aware of the Sessler study, and if you looked at the raw data it would show an increase in particles.

MR. COREY GORDON: Object to the form of the question, mischaracterizes the evidence.

A. So bubbles and particles -- (Interruption by the reporter.)

Q. Okay. Bubbles and particles?

A. Bubbles and particles are surrogate markers

Page 350 Page 352 for the real infection, and there were times when the 1 particles. Bair Hugger was on where the particles went up, the 2 2 Q. So are you dismissing Darouiche's article? heat went up, the bubbles went up, yes. 3 A. No. 4 4 Q. Okay. So assuming that airborne Q. Okay. 5 contamination is -- Strike that. 5 A. I'd say that he said there is no causal 6 Assuming that with all these studies 6 relationship that he can identify here. You need a 7 regarding increased particles, increased bubbles, 7 much bigger study. 8 okay, take into consideration Stocks' particle study 8 Q. That's -and Darouiche's CFU study and periprosthetic joint 9 You think he said there was no causal 10 infections, and assume that periprosthetic joint 10 relationship? infections are caused by airborne contamination. 11 11 A. I thought he -- he said that this isn't 12 Would that affect your opinions in this case of 12 definite cause-and-effect. If I'm wrong, let me see whether or not the Bair Hugger increases 13 13 14 periprosthetic joint infections? 14 Q. But just so I understand, my hypothetical is MR. COREY GORDON: Object to the form of 15 15 inaccurate because it's your opinion that 90 percent the question, incomplete hypothetical, assumes facts of these periprosthetic joint infections are caused by 16 16 17 not in evidence. 17 the patient's flora. 18 A. It's very hypothetical, and as I've told 18 A. Could be. vou, probably not because I would look at the McGovern 19 19 MR. COREY GORDON: Object to the form of study as the key clinical study that you're pointing 20 20 the question, mischaracterizes his testimony. 21 to for the efficacy, or for the -- saying what you did 21 A. I mean I -- I think we disagree. You know, 22 about the Bair Hugger. 22 I think that if you ask me where the origin of the 23 Q. So if the -- if -- if the Bair Hugger... 23 infections are, I think it's the microbiome in a high 24 Let's make it even simpler. 24 proportion of patients. It could be as high as 90. 25 25 Q. Okay. Could it be as low as 10 percent? A. Yeah. Page 351 Page 353 1 Q. Still the same assumption that 1 A. No, I don't think so. 2 periprosthetic infections are caused by airborne 2 Q. Greater than 50 percent? 3 3 contamination. A. Absolutely. 4 Q. Greater than 70 percent? 4 A. Yeah. 5 Q. Okay. If the Bair Hugger increases the 5 A. Somewhere between 70 and 90. bacterial load over the surgical site, would that O. Okav. One of your criticisms on McGovern is 6 6 7 affect your opinion of whether or not the Bair Hugger that you look -- you state that they changed 7 8 increases periprosthetic joint infections? antibiotics during the study period; correct? 9 A. Only if I could link the CFUs to infections 9 A. That's true. 10 in a straightforward way. 10 O. Okay. Did you look at the effect of the O. Similar to what Darouiche did but a much 11 prophylactic antibiotics gentamicin plus teicoplanin 11 12 bigger study. 12 as compared to just a -- I guess just the gentamicin 13 A. Much bigger. 13 that was used; correct? 14 Q. Okay. So if you could link CFUs to 14 A. Yes. infections and the Bair Hugger increased the CFUs over 15 15 Q. Did you look at it's effect in other studies the surgical site, that would affect your opinions of 16 with respect to periprosthetic joint infections? 16 whether or not the Bair Hugger increased the risk of 17 17 A. The comparison, you mean, --18 periprosthetic joint infections. 18 Q. Yeah. A. -- in other studies? 19 A. Well in this hypothetical I'd want to know 19 20 whether the -- whatever the assumptions were, 20 No, I don't think -- I didn't see any. including a hundred percent of infections from the Q. If other studies existed that indicate that 21 21 22 22 air, does the Bair Hugger actually increase there was -- they were pretty much the same type of

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infections.

O. Well assume --

A. That's the key question, not bubbles or

effect on periprosthetic joint infections, would you

agree with me that you could remove them as a

confounding factor in the study?

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MR. COREY GORDON: Object to the form of the question.

A. Well, I mean, first of all, no one would design a study where you're going to change three or four or five things. That's background. And the gentamicin, as you know, is primarily targeting gram-negatives and susceptible Staph, no MRSA, probably very little of the coagulation negative Staph. And in, I think it was Reed's testimony, he

- said it increased the return to hemodialysis units 10
- because of course those you're going to see more renal 11
- failure, increased pneumonias. And Reed at the end 12 13 said, you know, we're not going to go with this any
- more. If you add the teicoplanin you're going to get 14 coagulation negative Staph and you're going to get 15
- MRSA, as well Staph aureus, and, you know, in case 16 17 you're at a hospital where they have VRE, 18

vanc-resistant enterococcus, it's going to cover that. I'm sorry. I'll take that away, it won't 19 cover that. The last one. 20

Q. Well I'm not really word worried about renal failure here, we're talking about periprosthetic joint infection.

- A. No, I understand --
- 25 Q. Okay.

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A. You know, I'm always going to tell you things are possible.

Q. Well you're stating -- you're criticizing the study because they have switched the antibiotic -prophylactic antibiotics during the study period: correct?

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A. That's true.

MR. COREY GORDON: Object to the form of the question.

- Q. Do you have any evidence that that change in the prophylactic antibiotics had an effect on the infection rates of the periprosthetic joint infections?
- A. If you hold the antibiotics and the thromboprophylaxis the same, the rates are one percent and one percent. Two with the confounders.
- 17 Q. My question is: Do you have any evidence 18 that the change in prophylactics have an effect on periprosthetic joint infections --19

MR. COREY GORDON: Objection --

Q. -- in general?

22 MR. COREY GORDON: Objection, asked and 23 answered.

- 24 A. That's the best I can offer you.
  - Q. So you're looking at the McGovern study for

Page 355

A. -- but there are a lot of reasons not to use 1 2 that.

Q. Okay. Do you know what the difference in the reduction of periprosthetic infection rates between the two different types of antibiotics used in McGovern?

MR. COREY GORDON: Object to the form of the question.

A. I think the --

Well they were either the same or might have been a little higher in fact with the teicoplanin gent.

- Q. But do you know whether or not there was a statistically significant difference --
  - A. Don't know.
- Q. -- between -- with respect to periprosthetic joint infections?
  - A. No. I don't remember that.
- Q. Okay. So it is possible, if there's no statistical significant difference between the incident of periprosthetic joint infections with different antibiotic regimes, it would not be a confounding factor.

24 MR. COREY GORDON: Object to the form of the question, incomplete hypothetical.

1 your opinion that the two different types of antibiotic regimes have an effect on periprosthetic 3 ioint infections.

MR. COREY GORDON: Object to the form of the question.

A. I don't know that I would say it that way.

I don't remember exactly when you look just at the antibiotic and all the other things are still moving, what the rates were.

Q. Well are you -- is there any article that you reviewed in your 300-some hours of literature review to indicate that there is a difference in infection rates between the two antibiotic regimes used in the McGovern study?

MR. COREY GORDON: Object to the form of the question.

- 17 A. No. I don't have any study I can point to 18 for that. 19
  - Q. Okay. Were you aware of -- Strike that. Figure 13 you're referring to --
  - A. What page are you on?
  - Q. Oh, page 67. You're relying on what Dr.
- 23 Borak prepared; correct?
  - A. Yeah. He created the graph, so I used it.
  - Q. How many conversations did you have with Dr.

Page 358 Page 360 Borak and Dr. Holford? 1 MR. COREY GORDON: -- lack of foundation. 1 2 2 A. Besides the meeting, not at all with Q. Have you ever met Dr. Scott Augustine? Holford, and one conversation with Borak. 3 A. Doctor who? Q. In the past year and a half? Q. Scott Augustine? 4 4 5 A. The whole time that we've known each other. 5 A. No, I haven't. 6 Q. Okay. Did you take notes during your 6 Q. Do you have an opinion of Dr. Scott 7 meeting with Dr. Borak and Dr. Holford? 7 Augustine? 8 A. No. I don't think so -- Well I don't think 8 MR. COREY GORDON: Object to the form of 9 9 so, no. the question. Q. Okay. On page 72? 10 A. As -- In what way, opinion as to --10 Q. As an inventor, as a doctor? 11 A. Okay. 11 Q. The highlighted section says: "In the 12 A. Well he's creative, obviously. The guy, you 12 discovery phase of the trial, it has been shown that 7 know, invented the Bair Hugger and I -- I would say 13 13 studies showing safety of the Bair Hugger were not he's a real entrepreneur. I have a lot of criticisms 14 14 published, were kept secret." 15 of his most recent study, if that's what you mean. 15 Q. That's not in your report, is it, sir? A. Yeah. 16 16 17 O. What makes you believe that they were kept 17 A. No. 18 secret? 18 Q. Okay. Do you have any criticisms of the A. Because they were never published. They 19 HotDog device? 19 20 were data that were not favorable to Augustine, and 20 A. Of the device itself? why didn't he publish them? 21 Q. Yeah. 21 Q. That means he kept it secret? 22 A. I'm not aware -- No, I... 22 A. That's what I think happened. 23 23 No, I don't. 24 Q. So you think any study that people do that 24 Q. And you've seen studies that show that the they decide not to publish is kept secret? 25 HotDog is just as efficacious as the Bair Hugger in 25 Page 359 Page 361 A. No, but if you have seven that makes me 1 orthopedic surgeries. 1 A. I haven't seen that. But what it show -- if 2 2 suspicious. 3 3 you're talking about particles or stuff like that? Q. Okay. So 3M has thousands of studies and Q. I'm talking about efficacy of warming 4 tests done on the Bair Hugger that they never 4 5 published, so are they keeping stuff secret? 5 patients. MR. COREY GORDON: Object to the form of 6 6 A. No. There -- I don't think there are any the question, assumes facts not in evidence. 7 7 8 8 A. I don't know how to answer that. I mean, Q. Now is it my understanding that you would 9 what kind of studies are we talking about, were they 9 need a clinical study to -- Strike that. comparis -- looking for harm? 10 If a device contaminates the sterile field, 10 O. Computational fluid dynamic studies. 11 you would need a clinical study to show that it caused 11 12 A. I don't know. 12 harm? 13 MR. COREY GORDON: Same objections, also 13 MR. COREY GORDON: Object to the form of the question, incomplete hypothetical. lack of foundation. 14 14 15 O. Schlieren studies. 15 A. I would say that would be a signal that 16 You know what Schlieren is? 16 would lead to a study that we would see whether or not 17 A. No. 17 that signal with, let's say, particles equate to 18 Q. Calculations of whether or not the Bair 18 infection, and that's what I would want to have. Hugger disrupts laminar flow. Have you seen those? Q. All right. You're a member of the 19 19 20 20 International Society For Infectious Disease; correct? A. No. 21 Q. Okay. So are they keeping all their studies 21 A. That's true. 22 Q. Are you still a member? 22 secret? 23 23 A. Yeah. You're a kind of a member forever. MR. COREY GORDON: Object to the form of the question, assumes facts not in evidence, --24 O. Okav. 24 25 A. I don't know. 25 (Wenzel Exhibit 13 marked for

Page 362 Page 364 Q. "Airborne bacteria originating from the identification.) 1 2 patient or the surgical team suffice to create SSI in 2 BY MR. ASSAAD: 3 Q. Do you recognize this document? 3 these types of procedures, particularly when implants 4 are being placed (example, total hip prostheses)." 4 A. I do. 5 O. It's titled, "A Guide to Infection Control 5 Did I read that correctly? 6 in the Hospital, Fourth Edition"; correct? 6 A. You did. 7 A. Yes. 7 Q. Okay. Those are the surgeries that are at 8 Q. And you're the editor; correct? 8 issue in this case; correct? 9 9 A. Yes. A. Yes. 10 O. And we discussed this doc -- we discussed 10 Q. Okay. Airborne contamination well well this book before; correct? affect other clean surgical procedures with long 11 11 A. We did. 12 exposure times and large surface areas, period. 12 Q. Okay. And you had --13 13 Correct? 14 And you believe this is authoritative; 14 A. Yes. 15 15 Q. "The main source of airborne bacteria in the correct? OR originate primarily from the skin of individuals in A. Yeah, with the context I gave you what we're 16 16 17 trying to do in poor countries where the resources are 17 the room," period. just limited, we tried to come up with some key points Did I read that correctly? 18 18 for healthcare workers. 19 19 A. You did. 20 Q. Are you saying this only applies to poor 20 Q. "The number of persons present in the OR as 21 countries and not to the United States? 21 well as their level of activity, the type of surgery, the quality of air provided, the rate of air exchange, A. No, but that was the major -- that was the 22 22 the quality of staff clothing, the quality of cleaning 23 major thrust. 23 24 Q. But I would hope that you would treat, like, 24 process and the level of compliance with infection Third World countries the same as you would First 25 control practices all influence airborne 25 Page 363 Page 365 World countries. contamination," period. 1 1 2 2 Did I read that correctly? A. I would. 3 3 MR. COREY GORDON: Object to the form of A. You did. Q. And this is something that you agreed with 4 4 5 Q. So I want to turn to Chapter 21. I only 5 at the time that it was published; correct? printed up Chapter 21. A. Agreed that, ves. 6 6 7 A. Yes. Q. Okay. "Although these may seem trivial 7 8 issues for contaminated procedures or dirty 8 Q. Let's look at page -- paragraph on the bottom of page 134 that starts with "exogenous"? 9 procedures, they are very important to consider in 10 A. Okay. 10 clean and clean-contaminated surgery," period. O. And this is --11 Did I read that correctly? 11 12 And you reviewed this before; correct? 12 A. You did. 13 A. I did see this. 13 Q. And that's something that you yourself as the -- the main editor, published in 2008; correct? 14 Q. And you approved this for publication; 14 15 correct? 15 A. We did. 16 A. I did. 16 MR. ASSAAD: I have no more questions. MR. COREY GORDON: I'll just have a couple. 17 Q. Okay. "Exogenous contamination of wounds is 17 18 also important in the pathophysiology of SSIs, 18 **EXAMINATION** particularly for clean surgical procedures." 19 BY MR. COREY GORDON: 19 Q. Keep Exhibit 13 open. That paragraph that 20 Did I read that correctly? 20 21 counsel was just reading from in that sec -- Go back A. Yes. 21 22 22 Q. And a clean surgical -- a clean surgical to page 134. procedure would be a total hip or total knee 23 23 A. Sure. 24 arthroplasty; correct? 24 O. Under "Known Facts." A. That's correct. 25 25 A. Yes.

	Page 366		Page 368
1	Q. Could you just read the first sentence,	1	MR. ASSAAD: That's all I have.
2	please?	2	THE WITNESS: Okay.
3	A. "Most SSIs arises from the patient's	3	MR. COREY GORDON: We're done. We'll read
4	endogenous flora which contaminate the wound by direct	4	and sign.
5	contact."	5	THE REPORTER: Off the record.
6	Q. Thank you.	6	(Deposition concluded at 5:35 p.m.)
7	And if you could turn to page 138?	7	(Deposition concluded at 3.33 p.in.)
8	A. Yeah.	8	
9	Q. And could you in the just read that	9	
10	first paragraph under "Controversial Issues" there.	10	
11	A. "ORs equipped with laminar airflow system	11	
12	provide almost sterile air, yet a very few studies	12	
13	show a significant decrease in SSI rates for surgical	13	
14	procedures performed in this type of OR."	14	
15		15	
	Q. And go ahead and read the rest of the		
16 17	paragraph.	16 17	
	A. "Furthermore, some of these experiments did		
18	not control for the antimicrobial regimen received as	18	
19	surgical prophylaxis, thus precluding any conclusion	19	
20	on the exact role of the laminar flow system.	20	
21	Therefore, at this time no recommendation can be made	21	
22	for the use of laminar flow ventilation in" the "ORs."	22	
23	Q. This was published in 2008; is that right?	23	
24	A. I think that's right. Yes.	24	
25	Q. Thank you.	25	
	Page 367		
1	- 100		Page 369
1		1	
1 2	MR. COREY GORDON: I have nothing further.		CERTIFICATE
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## Confidential - Subject to Protective Order

Page 370	
SIGNATURE PAGE  I, RICHARD P. WENZEL, M.D., MSc., the deponent, hereby certify that I have read the foregoing transcript, consisting of 368 pages, and that said transcript is a true and correct, full and complete transcription of my deposition, except per the attached corrections, if any.  PAGE LINE CHANGE/REASON FOR CHANGE	
Date Signature of Witness  WITNESS MY HAND AND SEAL this day of, 2017.	
	I, RICHARD P. WENZEL, M.D., MSc., the deponent, hereby certify that I have read the foregoing transcript, consisting of 368 pages, and that said transcript is a true and correct, full and complete transcription of my deposition, except per the attached corrections, if any.  PAGE LINE CHANGE/REASON FOR CHANGE   Date Signature of Witness  WITNESS MY HAND AND SEAL this

# EXHIBIT DX3

TO DECLARATION OF MARY S. YOUNG IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE OPINIONS AND TESTIMONY OF RICHARD WENZEL, M.D.

		Page
UI	NITED STATES DISTRICT COURT	
	DISTRICT OF MINNESOTA	
In Re:		
Bair Hugger Fo	rced Air Warming	
Products Liabi	lity Litigation	
This Document I	Relates To:	
All Actions	MDL No.	
	15-2666 (JNE/FLM)	
	VIDEOTAPED DEPOSITION	
	OF	
	MARK ALBRECHT	
	VOLUME 1	
	Minneapolis, Minnesota	
	MIIIIIeapoiis, Miiiiiesoca	
	Friday, October 7th, 2016	
	2,	
Danashad lass		
PARATEAN NOT		
Reported by: Amy L. Larson,	RPR	

Page 66

1 ALBRECHT

- 2 likely in the air.
- 9 Q. Okay. So did it surprise you that, you know,
- with -- with -- with operating rooms 1 and 3
- having tens of thousands of particles being
- emitted, you couldn't culture out any bugs?
- 7 MR. B. GORDON: Objection to form,
- 8 conflating particles and bugs again, but...
- THE WITNESS: So to answer that, a
- large amount of the particles are going to be
- 11 atmospheric dust that come in and so the --
- it is not exactly surprising, because
- 13 atmospheric dust is not bacteria always, it's
- not, it's just particles that are in the air.
- 15 BY MR. C. GORDON:
- Q. And -- and to Mr. Ben Gordon's objection,
- particles don't correlate to bacteria,
- 18 correct?
- 19 A. Correct.
- MR. B. GORDON: Object to form.
- 21 BY MR. C. GORDON:
- Q. And in, you know, kind of in lay terms, if
- we -- if somebody looks at a window on a very
- bright, sunny day and you see a bunch of
- stuff in the air, if you close the shades

```
Page 237
1
     STATE OF MINNESOTA
                          ) ss
 2
     COUNTY OF ANOKA
 3
              Be it known that I took the foregoing
     deposition of Mark Albrecht, Volume 1, on
     October 7th, 2016, in Minneapolis, Minnesota;
5
              That I was then and there a notary public
6
     in and for the County of Anoka, State of Minnesota,
     and that by virtue thereof, I was duly authorized
     to administer an oath;
              That the witness was by me first duly
     sworn to testify to the truth, the whole truth and
     nothing but the truth relative to said cause;
9
10
              That the foregoing transcript is a true
     and correct transcript of my stenographic notes in
11
     said matter;
12
              That the witness reserved the right to
     read and sign the transcript;
13
              That I am not related to any of the
14
     parties hereto, nor interested in the outcome of
     the action;
15
              WITNESS MY HAND AND SEAL this 19th day of
16
     October, 2016.
17
18
                       Amy L. Larson, RPR
19
                       My Commission Expires 1/31/2020
20
21
22
23
24
25
```

# **EXHIBIT DX4**

TO DECLARATION OF MARY S. YOUNG IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE OPINIONS AND TESTIMONY OF RICHARD WENZEL, M.D.

# EXHIBIT JARVIS 5 7/25/17 HB

# **SPECIAL ARTICLES**

# Guideline for Prevention of Surgical Site Infection, 1999

Alicia J. Mangram, MD; Teresa C. Horan, MPH, CIC; Michele L. Pearson, MD; Leah Christine Silver, BS; William R. Jarvis, MD; The Hospital Infection Control Practices Advisory Committee

From the Hospital Infections Program
National Center for Infectious Diseases
Centers for Disease Control and Prevention
Public Health Service
U.S. Department of Health and Human Services

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Membership List, January 1999

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Reprint requests: SSI Guideline, Hospital Infections Program, Mailstop E-69, Center for Disease Control and Prevention, 1600 Clifton Rd, Atlanta, GA 30333. The "Guideline for Prevention of Surgical Site Infection, 1999" is available online at www.cdc.gov/ncidod/hip.

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#### 17/52/98051

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#### **EXECUTIVE SUMMARY**

The "Guideline for Prevention of Surgical Site Infection, 1999" presents the Centers for Disease Control and Prevention (CDC)'s recommendations for the prevention of surgical site infections (SSIs), formerly called surgical wound infections. This two-part guideline updates and replaces previous guidelines.<sup>1,2</sup>

Part I, "Surgical Site Infection: An Overview," describes the epidemiology, definitions, microbiology, pathogenesis, and surveillance of SSIs. Included is a detailed discussion of the pre-, intra-, and postoperative issues relevant to SSI genesis.

Part II, "Recommendations for Prevention of Surgical Site Infection," represents the consensus of the Hospital Infection Control Practices Advisory Committee (HICPAC) regarding strategies for the prevention of SSIs.3 Whenever possible, the recommendations in Part II are based on data from well-designed scientific studies. However, there are a limited number of studies that clearly validate risk factors and prevention measures for SSI. By necessity, available studies have often been conducted in narrowly defined patient populations or for specific kinds of operations, making generalization of their findings to all specialties and types of operations potentially problematic. This is especially true regarding the implementation of SSI prevention measures. Finally, some of the infection control practices routinely used by surgical teams cannot be rigorously studied for ethical or logistical reasons (e.g., wearing vs not wearing gloves). Thus, some of the recommendations in Part II are based on a strong theoretical rationale and suggestive evidence in the absence of confirmatory scientific knowledge.

It has been estimated that approximately 75% of all operations in the United States will be performed in "ambulatory," "same-day," or "outpatient" operating rooms by the turn of the century. In recommending various SSI prevention methods, this document makes no distinction between surgical care delivered in such settings and that provided in conventional inpatient operating rooms. This document is primarily intended for use by surgeons, operating room nurses, postoperative inpatient and clinic nurses, infection control professionals, anesthesiologists, healthcare epidemiologists, and other personnel directly responsible for the prevention of nosocomial infections.

This document does not:

- Specifically address issues unique to burns, trauma, transplant procedures, or transmission of bloodborne pathogens from healthcare worker to patient, nor does it specifically address details of SSI prevention in pediatric surgical practice. It has been recently shown in a multicenter study of pediatric surgical patients that characteristics related to the operations are more important than those related to the physiologic status of the patients.<sup>5</sup> In general, all SSI prevention measures effective in adult surgical care are indicated in pediatric surgical care.
- Specifically address procedures performed outside of the operating room (e.g., endoscopic proce-

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dures), nor does it provide guidance for infection prevention for invasive procedures such as cardiac catheterization or interventional radiology. Nonetheless, it is likely that many SSI prevention strategies also could be applied or adapted to reduce infectious complications associated with these procedures.

- Specifically recommend SSI prevention methods unique to minimally invasive operations (i.e., laparoscopic surgery). Available SSI surveillance data indicate that laparoscopic operations generally
- have a lower or comparable SSI risk when contrasted to open operations.<sup>6-11</sup> SSI prevention measures applicable in open operations (e.g., open cholecystectomy) are indicated for their laparoscopic counterparts (e.g., laparoscopic cholecystectomy).
- Recommend specific antiseptic agents for patient preoperative skin preparations or for healthcare worker hand/forearm antisepsis. Hospitals should choose from products recommended for these activities in the latest Food and Drug Administration (FDA) monograph.<sup>12</sup>

# I. Surgical Site Infection (SSI): An Overview

#### A. INTRODUCTION

Before the mid-19th century, surgical patients commonly developed postoperative "irritative fever," followed by purulent drainage from their incisions, overwhelming sepsis, and often death. It was not until the late 1860s, after Joseph Lister introduced the principles of antisepsis, that postoperative infectious morbidity decreased substantially. Lister's work radically changed surgery from an activity associated with infection and death to a discipline that could eliminate suffering and prolong life.

Currently, in the United States alone, an estimated 27 million surgical procedures are performed each year.13 The CDC's National Nosocomial Infections Surveillance (NNIS) system, established in 1970, monitors reported trends in nosocomial infections in U.S. acute-care hospitals. Based on NNIS system reports, SSIs are the third most frequently reported nosocomial infection, accounting for 14% to 16% of all nosocomial infections among hospitalized patients.14 During 1986 to 1996, hospitals conducting SSI surveillance in the NNIS system reported 15,523 SSIs following 593,344 operations (CDC, unpublished data). Among surgical patients, SSIs were the most common nosocomial infection, accounting for 38% of all such infections. Of these SSIs, two thirds were confined to the incision, and one third involved organs or spaces accessed during the operation. When surgical patients with nosocomial SSI died, 77% of the deaths were reported to be related to the infection, and the majority (93%) were serious infections involving organs or spaces accessed during the operation.

In 1980, Cruse estimated that an SSI increased a patient's hospital stay by approximately 10 days and cost an additional \$2,000.<sup>15,16</sup> A 1992 analysis showed that each SSI resulted in 7.3 additional postoperative hospital days, adding \$3,152 in extra charges.<sup>17</sup> Other studies corroborate that increased length of hospital stay and cost are associated with SSIs.<sup>18,19</sup> Deep SSIs

involving organs or spaces, as compared to SSIs confined to the incision, are associated with even greater increases in hospital stays and costs.<sup>20,21</sup>

Advances in infection control practices include improved operating room ventilation, sterilization methods, barriers, surgical technique, and availability of antimicrobial prophylaxis. Despite these activities, SSIs remain a substantial cause of morbidity and mortality among hospitalized patients. This may be partially explained by the emergence of antimicrobial-resistant pathogens and the increased numbers of surgical patients who are elderly and/or have a wide variety of chronic, debilitating, or immunocompromising underlying diseases. There also are increased numbers of prosthetic implant and organ transplant operations performed. Thus, to reduce the risk of SSI, a systematic but realistic approach must be applied with the awareness that this risk is influenced by characteristics of the patient, operation, personnel, and hospital.

### B. KEY TERMS USED IN THE GUIDELINE

#### 1. Criteria for defining SSIs

The identification of SSI involves interpretation of clinical and laboratory findings, and it is crucial that a surveillance program use definitions that are consistent and standardized; otherwise, inaccurate or uninterpretable SSI rates will be computed and reported. The CDC's NNIS system has developed standardized surveillance criteria for defining SSIs (Table 1).<sup>22</sup> By these criteria, SSIs are classified as being either incisional or organ/space. Incisional SSIs are further divided into those involving only skin and subcutaneous tissue (superficial incisional SSI) and those involving deeper soft tissues of the incision (deep incisional SSI). Organ/space SSIs involve any part of the anatomy (e.g., organ or space) other than incised body wall layers, that

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#### Table 1. Criteria for Defining a Surgical Site Infection (SSI)\*

#### Superficial Incisional SSI

Infection occurs within 30 days after the operation and infection involves only skin or subcutaneous tissue of the incision and at least one of the following:

- 1. Purulent drainage, with or without laboratory confirmation, from the superficial incision.
- 2. Organisms isolated from an aseptically obtained culture of fluid or tissue from the superficial incision.
- 3. At least one of the following signs or symptoms of infection: pain or tenderness, localized swelling, redness, or heat *and* superficial incision is deliberately opened by surgeon, *unless* incision is culture-negative.
- 4. Diagnosis of superficial incisional SSI by the surgeon or attending physician.

Do not report the following conditions as SSI:

- 1. Stitch abscess (minimal inflammation and discharge confined to the points of suture penetration).
- 2. Infection of an episiotomy or newborn circumcision site.
- 3. Infected burn wound.
- 4. Incisional SSI that extends into the fascial and muscle layers (see deep incisional SSI).

Note: Specific criteria are used for identifying infected episiotomy and circumcision sites and burn wounds. 433

#### Deep incisional SSI

Infection occurs within 30 days after the operation if no implant† is left in place or within 1 year if implant is in place and the infection appears to be related to the operation *and* infection involves deep soft tissues (e.g., fascial and muscle layers) of the incision *and* at least *one* of the following:

- 1. Purulent drainage from the deep incision but not from the organ/space component of the surgical site.
- A deep incision spontaneously dehisces or is deliberately opened by a surgeon when the patient has at least one of the following signs or symptoms: fever (>38°C), localized pain, or tenderness, unless site is culture-negative.
- 3. An abscess or other evidence of infection involving the deep incision is found on direct examination, during reoperation, or by histopathologic or radiologic examination.
- 4. Diagnosis of a deep incisional SSI by a surgeon or attending physician.

#### Notes:

- 1. Report infection that involves both superficial and deep incision sites as deep incisional SSI.
- 2. Report an organ/space SSI that drains through the incision as a deep incisional SSI.

#### Organ/space SSI

Infection occurs within 30 days after the operation if no implant† is left in place or within 1 year if implant is in place and the infection appears to be related to the operation and infection involves any part of the anatomy (e.g., organs or spaces), other than the incision, which was opened or manipulated during an operation and at least one of the following:

- Purulent drainage from a drain that is placed through a stab wound‡ into the organ/space.
- 2. Organisms isolated from an aseptically obtained culture of fluid or tissue in the organ/space.
- 3. An abscess or other evidence of infection involving the organ/space that is found on direct examination, during reoperation, or by histopathologic or radiologic examination.
- 4. Diagnosis of an organ/space SSI by a surgeon or attending physician.

†National Nosocomial Infection Surveillance definition: a nonhuman-derived implantable foreign body (e.g., prosthetic heart valve, nonhuman vascular graft, mechanical heart, or hip prosthesis) that is permanently placed in a patient during surgery.

‡If the area around a stab wound becomes infected, it is not an SSI. It is considered a skin or soft tissue infection, depending on its depth.

was opened or manipulated during an operation (Figure). Table 2 lists site-specific classifications used to differentiate organ/space SSIs. For example, in a patient who had an appendectomy and subsequently developed an intra-abdominal abscess not draining through the incision, the infection would be reported as an organ/space SSI at the intra-abdominal site. Failure to use objective criteria to define SSIs has been shown to substantially affect reported SSI rates. <sup>23,24</sup> The CDC NNIS definitions of SSIs have been applied consistently by surveillance and surgical personnel in many settings and currently are a de facto national standard. <sup>22,25</sup>

### 2. Operating suite

A physically separate area that comprises operating rooms and their interconnecting hallways and ancillary work areas such as scrub sink rooms. No distinction is made between operating suites located in conventional inpatient hospitals and those used for "same-day" surgical care, whether in a hospital or a free-standing facility.

#### 3. Operating room

A room in an operating suite where operations are performed.

#### 4. Surgical personnel

Any healthcare worker who provides care to surgical patients during the pre-, intra-, or postoperative periods.

#### 5. Surgical team member

Any healthcare worker in an operating room during the operation who has a surgical care role. Members of the surgical team may be "scrubbed" or not; scrubbed members have direct contact with the sterile operating field or

<sup>\*</sup> Horan TC et al.22

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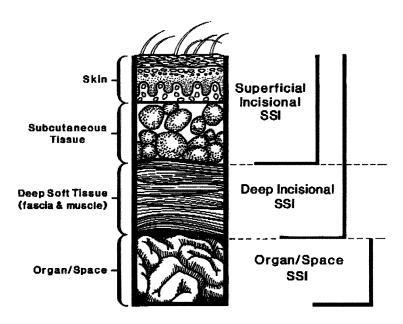


Figure. Cross-section of abdominal wall depicting CDC classifications of surgical site infection.<sup>22</sup>

sterile instruments or supplies used in the field (refer to "Preoperative Hand/Forearm Antisepsis" section).

#### C. MICROBIOLOGY

According to data from the NNIS system, the distribution of pathogens isolated from SSIs has not changed markedly during the last decade (Table 3).26,27 Staphylococcus aureus, coagulase-negative staphylococci, Enterococcus spp., and Escherichia coli remain the most frequently isolated pathogens. An increasing proportion of SSIs are caused by antimicrobial-resistant pathogens, such as methicillin-resistant S. aureus (MRSA),28,29 or by Candida albicans.30 From 1991 to 1995, the incidence of fungal SSIs among patients at NNIS hospitals increased from 0.1 to 0.3 per 1,000 discharges.30 The increased proportion of SSIs caused by resistant pathogens and Candida spp. may reflect increasing numbers of severely ill and immunocompromised surgical patients and the impact of widespread use of broad-spectrum antimicrobial agents.

Outbreaks or clusters of SSIs have also been caused by unusual pathogens, such as *Rhizopus oryzae*, *Clostridium perfringens*, *Rhodococcus bronchialis*, *Nocardia farcinica*, *Legionella pneumophila* and *Legionella dumoffii*, and *Pseudomonas multivorans*. These rare outbreaks have been traced to contaminated adhesive dressings, <sup>31</sup> elastic bandages, <sup>32</sup> colonized surgical personnel, <sup>33,34</sup> tap water, <sup>35</sup> or contaminated disinfectant solutions. <sup>36</sup> When a cluster of SSIs involves an unusual organism, a formal epidemiologic investigation should be conducted.

#### D. PATHOGENESIS

Microbial contamination of the surgical site is a necessary precursor of SSI. The risk of SSI can be conceptualized according to the following relationship<sup>37,38</sup>:

 $\frac{Dose \ of \ bacterial \ contamination \times virulence}{Resistance \ of \ the \ host \ patient} = \frac{Risk \ of \ surgical}{site \ infection}$ 

Quantitatively, it has been shown that if a surgical site is contaminated with  $>10^5$  microorganisms per gram of tissue, the risk of SSI is markedly increased.<sup>39</sup> However, the dose of contaminating microorganisms required to produce infection may be much lower when foreign material is present at the site (i.e., 100 staphylococci per gram of tissue introduced on silk sutures).<sup>40-42</sup>

Microorganisms may contain or produce toxins and other substances that increase their ability to invade a host, produce damage within the host, or survive on or in host tissue. For example, many gram-negative bacteria produce endotoxin, which stimulates cytokine production. In turn, cytokines can trigger the systemic inflammatory response syndrome that sometimes leads to multiple system organ failure. 43-45 One of the most common causes of multiple system organ failure in modern surgical care is intra-abdominal infection. 46,47 Some bacterial surface components, notably polysaccharide capsules, inhibit phagocytosis,48 a critical and early host defense response to microbial contamination. Certain strains of clostridia and streptococci produce potent exotoxins that disrupt cell membranes or alter cellular metabolism.49 A variety of microorganVolume 27, Number 2

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Table 2. Site-Specific Classifications of Organ/Space Surgical Site Infection\*

Arterial or venous infection	Meningitis or ventriculitis
Breast abscess or mastitis	Myocarditis or pericarditis

Breast abscess or mastitis Myocarditis or pericarditis

Disc space Oral cavity (mouth, tonque, or qums)

Ear, mastoid Osteomyelitis

Endocarditis Other infections of the lower respiratory tract (e.g., abscess or empyema)

Endometritis Other male or female reproductive tract

Sinusitis

Spinal abscess without meningitis

Upper respiratory tract

Vaginal cuff

Mediastinitis

\*Horan TC et al.<sup>22</sup>

Joint or bursa

Eye, other than conjunctivitis

Intra-abdominal, not specified elsewhere

Intracranial, brain abscess or dura

Gastrointestinal tract

**Table 3.** Distribution of Pathogens Isolated\* From Surgical Site Infections, National Nosocomial Infections Surveillance System, 1986 to 1996

	Percentage of isolates			
Pathogen	1986-1989 <sup>179</sup> (N=16,727)	1990-1996² (N=17,671)		
Staphylococcus aureus	17	20		
Coagulase-negative staphylococci	12	14		
Enterococcus spp.	13	12		
Escherichia coli	10	8		
Pseudomonas aeruginosa	8	8		
Enterobacter spp.	8	7		
Proteus mirabilis	4	3		
Klebsiella pneumoniae	3	3		
Other Streptococcus spp.	3	3		
Candida albicans	2	3		
Group D streptococci (non-enterococci)	_	2		
Other gram-positive aerobes		2		
Bacteroides fragilis	_	2		

<sup>\*</sup>Pathogens representing less than 2% of isolates are excluded.

isms, including gram-positive bacteria such as coagulase-negative staphylococci, produce glycocalyx and an associated component called "slime," 50-55 which physically shields bacteria from phagocytes or inhibits the binding or penetration of antimicrobial agents. 56 Although these and other virulence factors are well defined, their mechanistic relationship to SSI development has not been fully determined.

For most SSIs, the source of pathogens is the endogenous flora of the patient's skin, mucous membranes, or hollow viscera. The when mucous membranes or skin is incised, the exposed tissues are at risk for contamination with endogenous flora. These organisms are usually aerobic gram-positive cocci (e.g., staphylococci), but may include fecal flora (e.g., anaerobic bacteria and gram-negative aerobes) when incisions are made near the perineum or groin. When a gastrointestinal organ is opened during an operation and is the source of pathogens, gram-negative bacilli (e.g., *E. coli*), grampositive organisms (e.g., enterococci), and sometimes anaerobes (e.g., *Bacillus fragilis*) are the typical SSI iso-

lates. Table 4 lists operations and the likely SSI pathogens associated with them. Seeding of the operative site from a distant focus of infection can be another source of SSI pathogens, <sup>59-68</sup> particularly in patients who have a prosthesis or other implant placed during the operation. Such devices provide a nidus for attachment of the organism. <sup>50,69-73</sup>

Exogenous sources of SSI pathogens include surgical personnel (especially members of the surgical team), <sup>74</sup> the operating room environment (including air), and all tools, instruments, and materials brought to the sterile field during an operation (refer to "Intraoperative Issues" section). Exogenous flora are primarily aerobes, especially gram-positive organisms (e.g., staphylococci and streptococci). Fungi from endogenous and exogenous sources rarely cause SSIs, and their pathogenesis is not well understood.<sup>79</sup>

### **E. RISK AND PREVENTION**

The term *risk factor* has a particular meaning in epidemiology and, in the context of SSI pathophysiol-

**Table 4.** Operations, Likely Surgical Site Infection (SSI) Pathogens, and References on Usage of Antimicrobial Prophylaxis\*

Operations	Likely Pathogens†‡	References
Placement of all grafts, prostheses, or implants	Staphylococcus aureus; coagulase-negative staphylococci	269,282-284,290
Cardiac	Staphylococcus aureus; coagulase-negative staphylococci	251-253,462,463
Neurosurgery	Staphylococcus aureus; coagulase-negative staphylococci	241,249,258,259,261, 464,465
Breast	Staphylococcus aureus; coagulase-negative staphylococci	242,248
Ophthalmic Limited data: however, commonly used in procedures such as anterior segment resection, vitrectomy, and scleral buckles	Staphylococcus aureus; coagulase-negative staphylococci; streptococci; gramnegative bacilli	466
Orthopedic Total joint replacement Closed fractures/use of nails, bone plates, other internal fixation devices Functional repair without implant/device Trauma	Staphylococcus aureus; coagulase-negative staphylococci; gram-negative bacilli	60,243-246,254, 255,467-473
Noncardiac thoracic Thoracic (lobectomy, pneumonectomy, wedge resection, other noncardiac mediastinal procedures) Closed tube thoracostomy	Staphylococcus aureus; coagulase-negative staphylococci; Streptococcus pneumoniae; gram-negative bacilli	240,247,474,475
Vascular	Staphylococcus aureus; coagulase-negative staphylococci	250,463,476,477
Appendectomy	Gram-negative bacilli; anaerobes	263,452,478
Biliary tract	Gram-negative bacilli; anaerobes	260,262,479-484
Colorectal	Gram-negative bacilli; anaerobes	200,239,256,287 289,485-490
Gastroduodenal	Gram-negative bacilli; streptococci; oropharyngeal anaerobes (e.g., peptostreptococci)	256,257,491-493
Head and neck (major procedures with incision through oropharyngeal mucosa)	Staphylococcus aureus; streptococci; oropharyngeal anaerobes (e.g., peptostreptococci)	494-497
Obstetric and gynecologic	Gram-negative bacilli; enterococci; group B streptococci; anaerobes	270-280,435
Urologic May not be beneficial if urine is sterile	Gram-negative bacilli	267

<sup>\*</sup>Refer to "Antimicrobial prophylaxis in surgery," The Medical Letter, 1997,<sup>266</sup> for current recommendations of antimicrobial agents and doses. †Likely pathogens from both endogenous and exogenous sources.

ogy and prevention, strictly refers to a variable that has a significant, independent association with the development of SSI after a specific operation. Risk factors are identified by multivariate analyses in epidemiologic studies. Unfortunately, the term risk factor often is used in the surgical literature in a broad sense to include patient or operation features which, although associated with SSI development in univariate analysis, are not necessarily independent predictors. The literature cited in the sections that follow includes risk factors identified by both univariate and multivariate analyses.

Table 5 lists patient and operation characteristics that may influence the risk of SSI development. These characteristics are useful in two ways: (1) they allow stratification of operations, making surveillance data

more comprehensible; and, (2) knowledge of risk factors before certain operations may allow for targeted prevention measures. For example, if it is known that a patient has a remote site infection, the surgical team may reduce SSI risk by scheduling an operation after the infection has resolved.

An SSI prevention measure can be defined as an action or set of actions intentionally taken to reduce the risk of an SSI. Many such techniques are directed at reducing opportunities for microbial contamination of the patient's tissues or sterile surgical instruments; others are adjunctive, such as using antimicrobial prophylaxis or avoiding unnecessary traumatic tissue dissection. Optimum application of SSI prevention measures requires that a variety of patient and operation characteristics be carefully considered.

<sup>‡</sup>Staphylococci will be associated with SSI following all types of operations.

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#### 1. Patient characteristics

In certain kinds of operations, patient characteristics possibly associated with an increased risk of an SSI include coincident remote site infections  $^{59\cdot68}$  or colonization,  $^{81\cdot83}$  diabetes,  $^{84\cdot87}$  cigarette smoking,  $^{85,88\cdot92}$  systemic steroid use,  $^{84.87,93}$  obesity (>20% ideal body weight),  $^{85\cdot87.94\cdot97}$  extremes of age,  $^{92.98\cdot102}$  poor nutritional status,  $^{85.94.98,103\cdot105}$  and perioperative transfusion of certain blood products.  $^{106\cdot109}$ 

### a. Diabetes

The contribution of diabetes to SSI risk is controversial, 84-86,98,110 because the independent contribution of diabetes to SSI risk has not typically been assessed after controlling for potential confounding factors. Recent preliminary findings from a study of patients who underwent coronary artery bypass graft showed a significant relationship between increasing levels of HgA1c and SSI rates.¹¹¹¹ Also, increased glucose levels (>200 mg/dL) in the immediate postoperative period (≤48 hours) were associated with increased SSI risk.¹¹¹².¹¹¹³ More studies are needed to assess the efficacy of perioperative blood glucose control as a prevention measure.

#### b. Nicotine use

Nicotine use delays primary wound healing and may increase the risk of SSI.<sup>85</sup> In a large prospective study, current cigarette smoking was an independent risk factor for sternal and/or mediastinal SSI following cardiac surgery.<sup>85</sup> Other studies have corroborated cigarette smoking as an important SSI risk factor.<sup>88-92</sup> The limitation of these studies, however, is that terms like *current cigarette smoking* and *active smokers* are not always defined. To appropriately determine the contribution of tobacco use to SSI risk, standardized definitions of smoking history must be adopted and used in studies designed to control for confounding variables.

#### c. Steroid use

Patients who are receiving steroids or other immunosuppressive drugs preoperatively may be predisposed to developing SSI,<sup>84,87</sup> but the data supporting this relationship are contradictory. In a study of long-term steroid use in patients with Crohn's disease, SSI developed significantly more often in patients receiving preoperative steroids (12.5%) than in patients without steroid use (6.7%).<sup>93</sup> In contrast, other investigations have not found a relationship between steroid use and SSI risk.<sup>98,114,115</sup>

#### d. Malnutrition

For some types of operations, severe protein-calorie malnutrition is crudely associated with postoperative nosocomial infections, impaired wound healing dynamics, or death.<sup>116-124</sup> The National Academy of Sciences/National Research Council (NAS/NRC),<sup>94</sup> Study on the Efficacy of Infection Control (SENIC),<sup>125</sup> and NNIS<sup>126</sup> schemes for SSI risk stratification do not

**Table 5.** Patient and Operation Characteristics That May Influence the Risk of Surgical Site Infection Development

Patient Age Nutritional status Diabetes Smoking Obesity Coexistent infections at a remote body site Colonization with microorganisms Altered immune response Length of preoperative stay Operation Duration of surgical scrub Skin antisepsis Preoperative shaving Preoperative skin prep Duration of operation Antimicrobial prophylaxis Operating room ventilation Inadequate sterilization of instruments Foreign material in the surgical site Surgical drains Surgical technique Poor hemostasis

Failure to obliterate dead space

Tissue trauma

Adapted from references 25, 37.

explicitly incorporate nutritional status as a predictor variable, although it may be represented indirectly in the latter two. In a widely quoted 1987 study of 404 high-risk general surgery operations, Christou and coworkers derived an SSI probability index in which final predictor variables were patient age, operation duration, serum albumin level, delayed hypersensitivity test score, and intrinsic wound contamination level. Although this index predicted SSI risk satisfactorily for 404 subsequent patients and was generally received as a significant advance in SSI risk stratification, it is not widely used in SSI surveillance data analysis, surgical infection research, or analytic epidemiology.

Theoretical arguments can be made for a belief that severe preoperative malnutrition should increase the risk of both incisional and organ/space SSI. However, an epidemiologic association between incisional SSI and malnutrition is difficult to demonstrate consistently for all surgical subspecialties. 118-120,124,127-131 Multivariate logistic regression modeling has shown that preoperative protein-calorie malnutrition is not an independent predictor of mediastinitis after cardiac bypass operations. 85,132

In the modern era, total parenteral nutrition (TPN) and total enteral alimentation (TEA) have enthusiastic acceptance by surgeons and critical care specialists. 118,133-137 However, the benefits of preoperative nutritional repletion of malnourished patients in reducing

SSI risk are unproven. In two randomized clinical trials, preoperative "nutritional therapy" did not reduce incisional and organ/space SSI risk.138-141 In a recent study of high-risk pancreatectomy patients with cancer, the provision of TPN preoperatively had no beneficial effect on SSI risk.142 A randomized prospective trial involving 395 general and thoracic surgery patients compared outcomes for malnourished patients preoperatively receiving either a 7- to 15-day TPN regimen or a regular preoperative hospital diet. All patients were followed for 90 days postoperatively. There was no detectable benefit of TPN administration on the incidence of incisional or organ/space SSI.143 Administering TPN or TEA may be indicated in a number of circumstances, but such repletion cannot be viewed narrowly as a prevention measure for organ/space or incisional SSI risk. When a major elective operation is necessary in a severely malnourished patient, experienced surgeons often use both pre- and postoperative nutritional support in consideration of the major morbidity associated with numerous potential complications, only one of which is organ/space SSI.  $^{118,124,130,133,137,138,144-149}$  In addition, postoperative nutritional support is important for certain major oncologic operations, 135,136 after many operations on major trauma victims, 134 or in patients suffering a variety of catastrophic surgical complications that preclude eating or that trigger a hypermetabolic state. Randomized clinical trials will be necessary to determine if nutritional support alters SSI risk in specific patient-operation combinations.

#### e. Prolonged preoperative hospital stay

Prolonged preoperative hospital stay is frequently suggested as a patient characteristic associated with increased SSI risk. However, length of preoperative stay is likely a surrogate for severity of illness and co-morbid conditions requiring inpatient work-up and/or therapy before the operation. 16.26.65.85.94.100.150.151

# f. Preoperative nares colonization with Staphylococcus aureus

*S. aureus* is a frequent SSI isolate. This pathogen is carried in the nares of 20% to 30% of healthy humans.<sup>81</sup> It has been known for years that the development of SSI involving *S. aureus* is definitely associated with preoperative nares carriage of the organism in surgical patients.<sup>81</sup> A recent multivariate analysis demonstrated that such carriage was the most powerful independent risk factor for SSI following cardiothoracic operations.<sup>82</sup>

Mupirocin ointment is effective as a topical agent for eradicating *S. aureus* from the nares of colonized patients or healthcare workers. A recent report by Kluytmans and coworkers suggested that SSI risk was reduced in patients who had cardiothoracic operations when mupirocin was applied preoperatively to their nares, regardless of carrier status.<sup>152</sup> In this study, SSI

rates for 752 mupirocin-treated patients were compared with those previously observed for an untreated group of 928 historical control patients, and the significant SSI rate reduction was attributed to the mupirocin treatment. Concerns have been raised regarding the comparability of the two patient groups. 153 Additionally, there is concern that mupirocin resistance may emerge, although this seems unlikely when treatment courses are brief.81 A prospective, randomized clinical trial will be necessary to establish definitively that eradication of nasal carriage of S. aureus is an effective SSI prevention method in cardiac surgery. Such a trial has recently been completed on 3,909 patients in Iowa.83 Five types of operations in two facilities were observed. Preliminary analysis showed a significant association between nasal carriage of S. aureus and subsequent SSI development. The effect of mupirocin on reducing SSI risk is yet to be determined.

#### g. Perioperative transfusion

It has been reported that perioperative transfusion of leukocyte-containing allogeneic blood components is an apparent risk factor for the development of postoperative bacterial infections, including SSI.106 In three of five randomized trials conducted in patients undergoing elective colon resection for cancer, the risk of SSI was at least doubled in patients receiving blood transfusions. 107-109 However, on the basis of detailed epidemiologic reconsiderations, as many as 12 confounding variables may have influenced the reported association, and any effect of transfusion on SSI risk may be either small or nonexistent.106 Because of methodologic problems, including the timing of transfusion, and use of nonstandardized SSI definitions, interpretation of the available data is limited. A meta-analysis of published trials will probably be required for resolution of the controversy. 154 There is currently no scientific basis for withholding necessary blood products from surgical patients as a means of either incisional or organ/space SSI risk reduction.

### 2. Operative characteristics: Preoperative issues

### a. Preoperative antiseptic showering

A preoperative antiseptic shower or bath decreases skin microbial colony counts. In a study of >700 patients who received two preoperative antiseptic showers, chlorhexidine reduced bacterial colony counts ninefold (2.8×10² to 0.3), while povidone-iodine or triclocarban-medicated soap reduced colony counts by 1.3- and 1.9-fold, respectively. <sup>155</sup> Other studies corroborate these findings. <sup>156,157</sup> Chlorhexidine gluconate-containing products require several applications to attain maximum antimicrobial benefit, so repeated antiseptic showers are usually indicated. <sup>158</sup> Even though preoperative showers reduce the skin's microbial colony counts, they have not definitively been shown to reduce SSI rates. <sup>159-165</sup>

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**Table 6.** Mechanism and Spectrum of Activity of Antiseptic Agents Commonly Used for Preoperative Skin Preparation and Surgical Scrubs

Agent	Mechanism of Action	Gram-Positive Bacteria	Gram-Negative Bacteria	Mtb	Fungi	Virus	Rapidity of Action	Residual Activity	Toxicity	Uses
Alcohol	Denature proteins	E	E	G	G	G	Most rapid	None	Drying, volatile	SP, SS
Chlorhexidine lodine/	Disrupt cell membrane	Е	G	Р	F	G	Intermediate	E	Ototoxicity, keratitis	SP, SS
lodophors	Oxidation/ substitution b free iodine	E	G	G	G	G	Intermediate	Minimal	Absorption from skin with possible toxicity, skin irritation	SP, SS
PCMX	Disrupt cell wa	all G	F*	F	F	F	Intermediate	Good	More data needed	SS
Triclosan	Disrupt cell wa	all G	G	G	Р	U	Intermediate	Е	More data needed	SS

Abbreviations: E, excellent; F, fair; G, good; Mtb, Mycobacterium tuberculosis; P, poor; PCMX, para-chloro-meta-xylenol; SP, skin preparation; SS, surgical scrubs; U, unknown.

Data from Larson E. 176

#### b. Preoperative hair removal

Preoperative shaving of the surgical site the night before an operation is associated with a significantly higher SSI risk than either the use of depilatory agents or no hair removal.16,100,166-169 In one study, SSI rates were 5.6% in patients who had hair removed by razor shave compared to a 0.6% rate among those who had hair removed by depilatory or who had no hair removed.166 The increased SSI risk associated with shaving has been attributed to microscopic cuts in the skin that later serve as foci for bacterial multiplication. Shaving immediately before the operation compared to shaving within 24 hours preoperatively was associated with decreased SSI rates (3.1% vs 7.1%); if shaving was performed >24 hours prior to operation, the SSI rate exceeded 20%.166 Clipping hair immediately before an operation also has been associated with a lower risk of SSI than shaving or clipping the night before an operation (SSI rates immediately before = 1.8% vs night before = 4.0%). <sup>170-173</sup> Although the use of depilatories has been associated with a lower SSI risk than shaving or clipping, 166,167 depilatories sometimes produce hypersensitivity reactions. 166 Other studies showed that preoperative hair removal by any means was associated with increased SSI rates and suggested that no hair be removed.100,174,175

#### c. Patient skin preparation in the operating room

Several antiseptic agents are available for preoperative preparation of skin at the incision site (Table 6). The iodophors (e.g., povidone-iodine), alcohol-containing products, and chlorhexidine gluconate are the most commonly used agents. No studies have adequately assessed the comparative effects of these preoperative

skin antiseptics on SSI risk in well-controlled, operation-specific studies.

Alcohol is defined by the FDA as having one of the following active ingredients: ethyl alcohol, 60% to 95% by volume in an aqueous solution, or isopropyl alcohol, 50% to 91.3% by volume in an aqueous solution. Alcohol is readily available, inexpensive, and remains the most effective and rapid-acting skin antiseptic. Aqueous 70% to 92% alcohol solutions have germicidal activity against bacteria, fungi, and viruses, but spores can be resistant. One potential disadvantage of the use of alcohol in the operating room is its flammability.

Both chlorhexidine gluconate and iodophors have broad spectra of antimicrobial activity.<sup>177,179-181</sup> In some comparisons of the two antiseptics when used as preoperative hand scrubs, chlorhexidine gluconate achieved greater reductions in skin microflora than did povidone-iodine and also had greater residual activity after a single application.<sup>182-184</sup> Further, chlorhexidine gluconate is not inactivated by blood or serum proteins.<sup>176,179,185,186</sup> Iodophors may be inactivated by blood or serum proteins, but exert a bacteriostatic effect as long as they are present on the skin.<sup>178,179</sup>

Before the skin preparation of a patient is initiated, the skin should be free of gross contamination (i.e., dirt, soil, or any other debris). <sup>187</sup> The patient's skin is prepared by applying an antiseptic in concentric circles, beginning in the area of the proposed incision. The prepared area should be large enough to extend the incision or create new incisions or drain sites, if necessary. <sup>1,177,187</sup> The application of the skin preparation may need to be modified, depending on the condition of the skin (e.g., burns) or location of the incision site (e.g., face).

<sup>\*</sup>Fair, except for Pseudomonas spp.; activity improved by addition of chelating agent such as EDTA.

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There are reports of modifications to the procedure for preoperative skin preparation which include: (1) removing or wiping off the skin preparation antiseptic agent after application, (2) using an antiseptic-impregnated adhesive drape, (3) merely painting the skin with an antiseptic in lieu of the skin preparation procedure described above, or (4) using a "clean" versus a "sterile" surgical skin preparation kit.<sup>188-191</sup> However, none of these modifications has been shown to represent an advantage.

#### d. Preoperative hand/forearm antisepsis

Members of the surgical team who have direct contact with the sterile operating field or sterile instruments or supplies used in the field wash their hands and forearms by performing a traditional procedure known as scrubbing (or the surgical scrub) immediately before donning sterile gowns and gloves. Ideally, the optimum antiseptic used for the scrub should have a broad spectrum of activity, be fast-acting, and have a persistent effect. 1,192,193 Antiseptic agents commercially available in the United States for this purpose contain alcohol, chlorhexidine, iodine/iodophors, para-chlorometa-xylenol, or triclosan (Table 6).176,177,179,194,195 Alcohol is considered the gold standard for surgical hand preparation in several European countries. 196-199 Alcohol-containing products are used less frequently in the United States than in Europe, possibly because of concerns about flammability and skin irritation. Povidone-iodine and chlorhexidine gluconate are the current agents of choice for most U.S. surgical team members.<sup>177</sup> However, when 7.5% povidone-iodine or 4% chlorhexidine gluconate was compared to alcoholic chlorhexidine (60% isopropanol and 0.5% chlorhexidine gluconate in 70% isopropanol), alcoholic chlorhexidine was found to have greater residual antimicrobial activity.200,201 No agent is ideal for every situation, and a major factor, aside from the efficacy of any product, is its acceptability by operating room personnel after repeated use. Unfortunately, most studies evaluating surgical scrub antiseptics have focused on measuring hand bacterial colony counts. No clinical trials have evaluated the impact of scrub agent choice on SSI risk. 195,202-206

Factors other than the choice of antiseptic agent influence the effectiveness of the surgical scrub. Scrubbing technique, the duration of the scrub, the condition of the hands, or the techniques used for drying and gloving are examples of such factors. Recent studies suggest that scrubbing for at least 2 minutes is as effective as the traditional 10-minute scrub in reducing hand bacterial colony counts, <sup>207-211</sup> but the optimum duration of scrubbing is not known. The first scrub of the day should include a thorough cleaning underneath fingernails (usually with a brush). <sup>180,194,212</sup> It is not clear that such cleaning is a necessary part of subsequent

scrubs during the day. After performing the surgical scrub, hands should be kept up and away from the body (elbows in flexed position) so that water runs from the tips of the fingers toward the elbows. Sterile towels should be used for drying the hands and forearms before the donning of a sterile gown and gloves.<sup>212</sup>

A surgical team member who wears artificial nails may have increased bacterial and fungal colonization of the hands despite performing an adequate hand scrub. 212,213 Hand carriage of gram-negative organisms has been shown to be greater among wearers of artificial nails than among non-wearers. 213 An outbreak of Serratia marcescens SSIs in cardiovascular surgery patients was found to be associated with a surgical nurse who wore artificial nails. 214 While the relationship between nail length and SSI risk is unknown, long nails—artificial or natural—may be associated with tears in surgical gloves. 177, 180, 212 The relationship between the wearing of nail polish or jewelry by surgical team members and SSI risk has not been adequately studied. 194, 212, 215-217

# e. Management of infected or colonized surgical personnel

Surgical personnel who have active infections or are colonized with certain microorganisms have been linked to outbreaks or clusters of SSIs. 33,34,76,218-237 Thus, it is important that healthcare organizations implement policies to prevent transmission of microorganisms from personnel to patients. These policies should address management of job-related illnesses, provision of postexposure prophylaxis after job-related exposures and, when necessary, exclusion of ill personnel from work or patient contact. While work exclusion policies should be enforceable and include a statement of authority to exclude ill personnel, they should also be designed to encourage personnel to report their illnesses and exposures and not penalize personnel with loss of wages, benefits, or job status.<sup>238</sup>

#### f. Antimicrobial prophylaxis

Surgical antimicrobial prophylaxis (AMP) refers to a very brief course of an antimicrobial agent initiated just before an operation begins. 239-265 AMP is not an attempt to sterilize tissues, but a critically timed adjunct used to reduce the microbial burden of intraoperative contamination to a level that cannot overwhelm host defenses. AMP does not pertain to prevention of SSI caused by postoperative contamination. 265 Intravenous infusion is the mode of AMP delivery used most often in modern surgical practice. 20,26,242,266-281 Essentially all confirmed AMP indications pertain to elective operations in which skin incisions are closed in the operating room.

Four principles must be followed to maximize the benefits of AMP:

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- Use an AMP agent for all operations or classes of operations in which its use has been shown to reduce SSI rates based on evidence from clinical trials or for those operations after which incisional or organ/space SSI would represent a catastrophe.<sup>266,268,269,282-284</sup>
- Use an AMP agent that is safe, inexpensive, and bactericidal with an in vitro spectrum that covers the most probable intraoperative contaminants for the operation.
- Time the infusion of the initial dose of antimicrobial agent so that a bactericidal concentration of the drug is established in serum and tissues by the time the skin is incised.<sup>285</sup>
- Maintain therapeutic levels of the antimicrobial agent in both serum and tissues throughout the operation and until, at most, a few hours after the incision is closed in the operating room.<sup>179,266-268,282,284,286</sup> Because clotted blood is present in all surgical wounds, therapeutic serum levels of AMP agents are logically important in addition to therapeutic tissue levels. Fibrin-enmeshed bacteria may be resistant to phagocytosis or to contact with antimicrobial agents that diffuse from the wound space.

Table 4 summarizes typical SSI pathogens according to operation type and cites studies that establish AMP efficacy for these operations. A simple way to organize AMP indications is based on using the surgical wound classification scheme shown in Table 7, which employs descriptive case features to *postoperatively* grade the degree of intraoperative microbial contamination. A surgeon makes the decision to use AMP by anticipating *preoperatively* the surgical wound class for a given operation.

AMP is indicated for all operations that entail entry into a hollow viscus under controlled conditions. The most frequent SSI pathogens for such clean-contaminated operations are listed in Table 4. Certain clean-contaminated operations, such as elective colon resection, low anterior resection of the rectum, and abdominoperineal resection of the rectum, also require an additional preoperative protective maneuver called "preparation of the colon," to empty the bowel of its contents and to reduce the levels of live microorganisms. <sup>200,239,256,268,284,287</sup> This maneuver includes the administration of enemas and cathartic agents followed by the oral administration of nonabsorbable antimicrobial agents in divided doses the day before the operation. <sup>200,288,289</sup>

AMP is sometimes indicated for operations that entail incisions through normal tissue and in which no viscus is entered and no inflammation or infection is encountered. Two well-recognized AMP indications for such clean operations are: (1) when any intravascular

#### Table 7. Surgical Wound Classification

Class I/Clean: An uninfected operative wound in which no inflammation is encountered and the respiratory, alimentary, genital, or uninfected urinary tract is not entered. In addition, clean wounds are primarily closed and, if necessary, drained with closed drainage. Operative incisional wounds that follow nonpenetrating (blunt) trauma should be included in this category if they meet the criteria.

Class II/Clean-Contaminated: An operative wound in which the respiratory, alimentary, genital, or urinary tracts are entered under controlled conditions and without unusual contamination. Specifically, operations involving the biliary tract, appendix, vagina, and oropharynx are included in this category, provided no evidence of infection or major break in technique is encountered.

Class III/Contaminated: Open, fresh, accidental wounds. In addition, operations with major breaks in sterile technique (e.g., open cardiac massage) or gross spillage from the gastrointestinal tract, and incisions in which acute, nonpurulent inflammation is encountered are included in this category.

Class IV/Dirty-Infected: Old traumatic wounds with retained devitalized tissue and those that involve existing clinical infection or perforated viscera. This definition suggests that the organisms causing postoperative infection were present in the operative field before the operation.

Garner JS1 and Simmons BP.2

prosthetic material or a prosthetic joint will be inserted, and (2) for any operation in which an incisional or organ/space SSI would pose catastrophic risk. Examples are all cardiac operations, including cardiac pacemaker placement, <sup>290</sup> vascular operations involving prosthetic arterial graft placement at any site or the revascularization of the lower extremity, and most neurosurgical operations (Table 4). Some have advocated use of AMP during all operations on the breast. <sup>80,242,264</sup>

By definition, AMP is not indicated for an operation classified in Table 7 as contaminated or dirty. In such operations, patients are frequently receiving therapeutic antimicrobial agents perioperatively for established infections.

Cephalosporins are the most thoroughly studied AMP agents.<sup>284</sup> These drugs are effective against many gram-positive and gram-negative microorganisms. They also share the features of demonstrated safety, acceptable pharmacokinetics, and a reasonable cost per dose.<sup>242</sup> In particular, cefazolin is widely used and generally viewed as the AMP agent of first choice for clean operations.<sup>266</sup> If a patient is unable to receive a cephalosporin because of penicillin allergy, an alternative for gram-positive bacterial coverage is either clindamycin or vancomycin.

Cefazolin provides adequate coverage for many clean-contaminated operations, <sup>268,291</sup> but AMP for operations on the distal intestinal tract mandates use of an agent such as cefoxitin (or some other second-genera-

tion cephalosporin) that provides anaerobic coverage. If a patient cannot safely receive a cephalosporin because of allergy, a reasonable alternative for gramnegative coverage is aztreonam. However, an agent such as clindamycin or metronidazole should also be included to ensure anaerobic coverage.

The aminoglycosides are seldom recommended as first choices for AMP, either as single drugs or as components of combination regimens.<sup>242,264</sup> References cited in Table 4 provide many details regarding AMP choices and dosages, antimicrobial spectra and properties, and other practical clinical information.

The routine use of vancomycin in AMP is not recommended for any kind of operation.<sup>242,266,283,292</sup> However, vancomycin may be the AMP agent of choice in certain clinical circumstances, such as when a cluster of MRSA mediastinitis or incisional SSI due to methicillin-resistant coagulase-negative staphylococci has been detected. A threshold has not been scientifically defined that can support the decision to use vancomycin in AMP. The decision should involve consideration of local frequencies of MRSA isolates, SSI rates for particular operations, review of infection prevention practices for compliance, and consultation between surgeons and infectious disease experts. An effective SSI surveillance program must be operational, with careful and timely culturing of SSI isolates to determine species and AMP agent susceptibilities.80

Agents most commonly used for AMP (i.e., cephalosporins) exhibit time-dependent bactericidal action. The therapeutic effects of such agents are probably maximized when their levels continuously exceed a threshold value best approximated by the minimal bactericidal concentration value observed for the target pathogens in vitro. When the duration of an operation is expected to exceed the time in which therapeutic levels of the AMP agent can be maintained, additional AMP agent should be infused. That time point for cefazolin is estimated as 3 to 4 hours. In general, the timing of a second (or third, etc.) dose of any AMP drug is estimated from three parameters: tissue levels achieved in normal patients by a standard therapeutic dose, the approximate serum half-life of the drug, and awareness of approximate MIC90 values for anticipated SSI pathogens. References in Table 6 should be consulted for these details and important properties of antimicrobial agents used for AMP in various specialties.

Basic "rules of thumb" guide decisions about AMP dose sizes and timing. For example, it is believed that a full therapeutic dose of cefazolin (1-2 g) should be given to adult patients no more than 30 minutes before the skin is incised. <sup>242,285</sup> There are a few exceptions to this basic guide. With respect to dosing, it has been demonstrated that larger doses of AMP agents are necessary to

achieve optimum effect in morbidly obese patients.<sup>293</sup> With respect to timing, an exception occurs for patients undergoing cesarean section in whom AMP is indicated: the initial dose is administered immediately after the umbilical cord is clamped.<sup>266,272,273</sup> If vancomycin is used, an infusion period of approximately 1 hour is required for a typical dose. Clearly, the concept of "oncall" infusion of AMP is flawed simply because delays in transport or schedule changes can mean that suboptimal tissue and serum levels may be present when the operation starts.<sup>242,294</sup> Simple protocols of AMP timing and oversight responsibility should be locally designed to be practical and effective.

# 3. Operative characteristics: Intraoperative issues

### a. Operating room environment

(1) Ventilation

Operating room air may contain microbial-laden dust, lint, skin squames, or respiratory droplets. The microbial level in operating room air is directly proportional to the number of people moving about in the room. <sup>295</sup> Therefore, efforts should be made to minimize personnel traffic during operations. Outbreaks of SSIs caused by group A beta-hemolytic streptococci have been traced to airborne transmission of the organism from colonized operating room personnel to patients. <sup>233,237,296,297</sup> In these outbreaks, the strain causing the outbreak was recovered from the air in the operating room. <sup>237,296</sup> It has been demonstrated that exercising and changing of clothing can lead to airborne dissemination of group A streptococci from vaginal or rectal carriage. <sup>233,234,237,297</sup>

Operating rooms should be maintained at positive pressure with respect to corridors and adjacent areas.<sup>298</sup> Positive pressure prevents airflow from less clean areas into more clean areas. All ventilation or air conditioning systems in hospitals, including those in operating rooms, should have two filter beds in series, with the efficiency of the first filter bed being ≥30% and that of the second filter bed being ≥90%.299 Conventional operating room ventilation systems produce a minimum of about 15 air changes of filtered air per hour, three (20%) of which must be fresh air.299,300 Air should be introduced at the ceiling and exhausted near the floor.300,301 Detailed ventilation parameters for operating rooms have been published by the American Institute of Architects in collaboration with the U.S. Department of Health and Human Services (Table 8).299

Laminar airflow and use of UV radiation have been suggested as additional measures to reduce SSI risk for certain operations. Laminar airflow is designed to move particle-free air (called "ultraclean air") over the aseptic operating field at a uniform velocity (0.3 to 0.5 µm/sec),

sweeping away particles in its path. Laminar airflow can be directed vertically or horizontally, and recirculated air is usually passed through a high efficiency particulate air (HEPA) filter. 302,303 HEPA filters remove particles ≥0.3µm in diameter with an efficiency of 99.97%. 64,300,302,304 Most of the studies examining the efficacy of ultraclean air involve only orthopedic operations. 298,305-311 Charnley and Eftaknan studied vertical laminar airflow systems and exhaust-ventilated clothing and found that their use decreased the SSI rate from 9% to 1%.305 However, other variables (i.e., surgeon experience and surgical technique) changed at the same time as the type of ventilation, which may have confounded the associations. In a multicenter study examining 8,000 total hip and knee replacements, Lidwell et al. compared the effects of ultraclean air alone, antimicrobial prophylaxis alone, and ultraclean air in combination with antimicrobial prophylaxis on the rate of deep SSIs.307 The SSI rate following operations in which ultraclean air alone was used decreased from 3.4% to 1.6%, whereas the rate for those who received only antimicrobial prophylaxis decreased from 3.4% to 0.8%. When both interventions were used in combination, the SSI rate decreased from 3.4% to 0.7%. These findings suggest that both ultraclean air and antimicrobial prophylaxis can reduce the incidence of SSI following orthopedic implant operations, but antimicrobial prophylaxis is more beneficial than ultraclean air. Intraoperative UV radiation has not been shown to decrease overall SSI risk.94,312

#### (2) Environmental surfaces

Environmental surfaces in U.S. operating rooms (e.g., tables, floors, walls, ceilings, lights) are rarely implicated as the sources of pathogens important in the development of SSIs. Nevertheless, it is important to perform routine cleaning of these surfaces to reestablish a clean environment after each operation. 180,212,300,302 There are no data to support routine disinfecting of environmental surfaces or equipment between operations in the absence of contamination or visible soiling. When visible soiling of surfaces or equipment occurs during an operation, an Environmental Protection Agency (EPA)approved hospital disinfectant should be used to decontaminate the affected areas before the next operation. 180,212,300-302,313-315 This is in keeping with the Occupational Safety and Health Administration (OSHA) requirement that all equipment and environmental surfaces be cleaned and decontaminated after contact with blood or other potentially infectious materials.315 Wetvacuuming of the floor with an EPA-approved hospital disinfectant is performed routinely after the last operation of the day or night. Care should be taken to ensure that medical equipment left in the operating room be covered so that solutions used during cleaning and dis-

**Table 8** Parameters for Operating Room Ventilation, American Institute of Architects, 1996

68-73°F, depending on normal ambient temperatures
30%-60%
From "clean to less clean" areas
Minimum 15 total air changes per hour
Minimum 3 air changes of outdoor air per hour

American Institute of Architects.299

infecting do not contact sterile devices or equipment.<sup>316</sup> There are no data to support special cleaning procedures or closing of an operating room after a contaminated or dirty operation has been performed.<sup>300,301</sup>

Tacky mats placed outside the entrance to an operating room/suite have not been shown to reduce the number of organisms on shoes or stretcher wheels, nor do they reduce the risk of SSI.<sup>1,179,295,301</sup>

#### (3) Microbiologic sampling

Because there are no standardized parameters by which to compare microbial levels obtained from cultures of ambient air or environmental surfaces in the operating room, routine microbiologic sampling cannot be justified. Such environmental sampling should only be performed as part of an epidemiologic investigation.

(4) Conventional sterilization of surgical instruments Inadequate sterilization of surgical instruments has resulted in SSI outbreaks. 302,317,318 Surgical instruments can be sterilized by steam under pressure, dry heat, ethylene oxide, or other approved methods. The importance of routinely monitoring the quality of sterilization procedures has been established. 1,180,212,299 Microbial monitoring of steam autoclave performance is necessary and can be accomplished by use of a biological indicator. 212,314,319 Detailed recommendations for sterilization of surgical instruments have been published. 212,314,320,321

#### (5) Flash sterilization of surgical instruments

The Association for the Advancement of Medical Instrumentation defines flash sterilization as "the process designated for the steam sterilization of patient care items for immediate use." During any operation, the need for emergency sterilization of equipment may arise (e.g., to reprocess an inadvertently dropped instrument). However, flash sterilization is not intended to be used for either reasons of convenience or as an alternative to purchasing additional instrument sets or to save time. Also, flash sterilization is not recommended for implantable devices (1) because of the potential for serious infections. 314,320,321

\*According to the FDA, an implantable device is a "device that is placed into a surgically or naturally formed cavity of the human body if it is intended to remain there for a period of 30 days or more."321

Flash sterilization is not recommended as a routine sterilization method because of the lack of timely biologic indicators to monitor performance, absence of protective packaging following sterilization, possibility for contamination of processed items during transportation to operating rooms, and use of minimal sterilization cycle parameters (i.e., time, temperature, pressure).319 To address some of these concerns, many hospitals have placed equipment for flash sterilization in close proximity to operating rooms and new biologic indicators that provide results in 1 to 3 hours are now available for flash-sterilized items.322-325 Nevertheless, flash sterilization should be restricted to its intended purpose until studies are performed that can demonstrate comparability with conventional sterilization methods regarding risk of SSI. Sterilization cycle parameters for flash sterilization are shown in Table 9.

#### b. Surgical attire and drapes

In this section the term *surgical attire* refers to scrub suits, caps/hoods, shoe covers, masks, gloves, and gowns. Although experimental data show that live microorganisms are shed from hair, exposed skin, and mucous membranes of operating room personnel, 75.181.326-330 few controlled clinical studies have evaluated the relationship between the use of surgical attire and SSI risk. Nevertheless, the use of barriers seems prudent to minimize a patient's exposure to the skin, mucous membranes, or hair of surgical team members, as well as to protect surgical team members from exposure to blood and bloodborne pathogens (e.g., human immunodeficiency virus and hepatitis viruses).

#### (1) Scrub suits

Surgical team members often wear a uniform called a "scrub suit" that consists of pants and a shirt. Policies for laundering, wearing, covering, and changing scrub suits vary greatly. Some policies restrict the laundering of scrub suits to the facility, while other facilities have policies that allow laundering by employees. There are no well-controlled studies evaluating scrub suit laundering as an SSI risk factor.331 Some facilities have policies that restrict the wearing of scrub suits to the operating suite, while other facilities allow the wearing of cover gowns over scrub suits when personnel leave the suite. The Association of Operating Room Nurses recommends that scrub suits be changed after they become visibly soiled and that they be laundered only in an approved and monitored laundry facility.212 Additionally, OSHA regulations require that "if a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible."315

#### (2) Masks

The wearing of surgical masks during operations to prevent potential microbial contamination of inci-

sions is a longstanding surgical tradition. However, some studies have raised questions about the efficacy and cost-benefit of surgical masks in reducing SSI risk.328,332-338 Nevertheless, wearing a mask can be beneficial since it protects the wearer's nose and mouth from inadvertent exposures (i.e., splashes) to blood and other body fluids. OSHA regulations require that masks in combination with protective eyewear, such as goggles or glasses with solid shields, or chin-length face shields be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious material may be generated and eye, nose, or mouth contamination can be reasonably anticipated.315 In addition, a respirator certified by the National Institute for Occupational Safety and Health with protection factor N95 or higher is required when the patient has or is suspected of having infectious tuberculosis.339

#### (3) Surgical caps/hoods and shoe covers

Surgical caps/hoods are inexpensive and reduce contamination of the surgical field by organisms shed from the hair and scalp. SSI outbreaks have occasionally been traced to organisms isolated from the hair or scalp (*S. aureus* and group A *Streptococcus*),<sup>75,76</sup> even when caps were worn by personnel during the operation and in the operating suites.

The use of shoe covers has never been shown to decrease SSI risk or to decrease bacteria counts on the operating room floor.<sup>340,341</sup> Shoe covers may, however, protect surgical team members from exposure to blood and other body fluids during an operation. OSHA regulations require that surgical caps or hoods and shoe covers or boots be worn in situations when gross contamination can reasonably be anticipated (e.g., orthopedic operations, penetrating trauma cases).<sup>315</sup>

#### (4) Sterile gloves

Sterile gloves are put on after donning sterile gowns. A strong theoretical rationale supports the wearing of sterile gloves by all scrubbed members of the surgical team. Sterile gloves are worn to minimize transmission of microorganisms from the hands of team members to patients and to prevent contamination of team members' hands with patients' blood and body fluids. If the integrity of a glove is compromised (e.g., punctured), it should be changed as promptly as safety permits. 315,342,343 Wearing two pairs of gloves (double-gloving) has been shown to reduce hand contact with patients' blood and body fluids when compared to wearing only a single pair. 344,345

#### (5) Gowns and drapes

Sterile surgical gowns and drapes are used to create a barrier between the surgical field and potential sources of bacteria. Gowns are worn by all scrubbed surgical team members and drapes are placed over the patient. There are limited data that can be used to understand the relationship of gown or drape characteristics with SSI risk. The wide variation in the products and study designs make interpretation of the literature difficult. <sup>329,346-350</sup>

Gowns and drapes are classified as disposable (single use) or reusable (multiple use). Regardless of the material used to manufacture gowns and drapes, these items should be impermeable to liquids and viruses. The general, only gowns reinforced with films, coatings, or membranes appear to meet standards developed by the American Society for Testing and Materials. The wearer, such "liquid-proof" gowns may be uncomfortable because they also inhibit heat loss and the evaporation of sweat from the wearer's body. These factors should be considered when selecting gowns. The factors should be considered when selecting gowns. The factors should be considered when selecting gowns in preventing the transmission of bloodborne pathogens is beyond the scope of this document.

#### c. Asepsis and surgical technique

(1) Asepsis

Rigorous adherence to the principles of asepsis by all scrubbed personnel is the foundation of surgical site infection prevention. Others who work in close proximity to the sterile surgical field, such as anesthesia personnel who are separated from the field only by a drape barrier, also must abide by these principles. SSIs have occurred in which anesthesia personnel were implicated as the source of the pathogen. 34,231,234,356-358 Anesthesiologists and nurse anesthetists perform a variety of invasive procedures such as placement of intravascular devices and endotracheal tubes, and administration of intravenous drugs and solutions. Lack of adherence to the principles of asepsis during such procedures,359 including use of common syringes<sup>360,361</sup> and contaminated infusion pumps, 359,362-364 and the assembly of equipment and solutions in advance of procedures, 316,360 have been associated with outbreaks of postoperative infections, including SSI. Recommendations for infection control practices in anesthesiology have been published. 212,365-367

#### (2) Surgical technique

Excellent surgical technique is widely believed to reduce the risk of SSI.<sup>26,49,179,180,368,369</sup> Such techniques include maintaining effective hemostasis while preserving adequate blood supply, preventing hypothermia, gently handling tissues, avoiding inadvertent entries into a hollow viscus, removing devitalized (e.g., necrotic or charred) tissues, using drains and suture material appropriately, eradicating dead space, and appropriately managing the postoperative incision.

**Table 9.** Parameters for Flash Sterilization Cycles, Association for the Advancement of Medical Instrumentation

	Minimum Exposure Time and Temperature
Gravity-displacement	
Nonporous items Nonporous and porous items	3 min at 132°C (270°F) 10 min at 132°C (270°F)
Prevacuum	
Nonporous items Nonporous and porous items	3 min at 132°C (270°F) 4 min at 132°C (270°F)

Association for the Advancement of Medical Instrumentation.321

Any foreign body, including suture material, a prosthesis, or drain, may promote inflammation at the surgical site<sup>94</sup> and may increase the probability of SSI after otherwise benign levels of tissue contamination. Extensive research compares different types of suture material and their presumed relationships to SSI risk.<sup>370-379</sup> In general, monofilament sutures appear to have the lowest infection-promoting effects.<sup>3,94,179,180</sup>

A discussion of appropriate surgical drain use and details of drain placement exceed the scope of this document, but general points should be briefly noted. Drains placed through an operative incision increase incisional SSI risk. 380 Many authorities suggest placing drains through a separate incision distant from the operative incision. 283,381 It appears that SSI risk also decreases when closed suction drains are used rather than open drains. 174 Closed suction drains can effectively evacuate postoperative hematomas or seromas, but timing of drain removal is important. Bacterial colonization of initially sterile drain tracts increases with the duration of time the drain is left in place. 382

Hypothermia in surgical patients, defined as a core body temperature below 36°C, may result from general anesthesia, exposure to cold, or intentional cooling such as is done to protect the myocardium and central nervous system during cardiac operations.302,383,384 In one study of patients undergoing colorectal operations, hypothermia was associated with an increased SSI risk.385 Mild hypothermia appears to increase incisional SSI risk by causing vasoconstriction, decreased delivery of oxygen to the wound space, and subsequent impairment of function of phagocytic leukocytes (i.e., neutrophils). 386-390 In animal models, supplemental oxygen administration has been shown to reverse the dysfunction of phagocytes in fresh incisions.391 In recent human experiments, controlled local heating of incisions with an electrically powered bandage has been shown to improve tissue oxygenation.392 Randomized clinical trials are needed to establish that measures which improve wound space oxygenation can reduce SSI risk.

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# 4. Operative characteristics: Postoperative issues

#### a. Incision care

The type of postoperative incision care is determined by whether the incision is closed primarily (i.e., the skin edges are re-approximated at the end of the operation), left open to be closed later, or left open to heal by second intention. When a surgical incision is closed primarily, as most are, the incision is usually covered with a sterile dressing for 24 to 48 hours.393,394 Beyond 48 hours, it is unclear whether an incision must be covered by a dressing or whether showering or bathing is detrimental to healing. When a surgical incision is left open at the skin level for a few days before it is closed (delayed primary closure), a surgeon has determined that it is likely to be contaminated or that the patient's condition prevents primary closure (e.g., edema at the site). When such is the case, the incision is packed with a sterile dressing. When a surgical incision is left open to heal by second intention, it is also packed with sterile moist gauze and covered with a sterile dressing. The American College of Surgeons, CDC, and others have recommended using sterile gloves and equipment (sterile technique) when changing dressings on any type of surgical incision. 180,395-397

#### b. Discharge planning

In current practice, many patients are discharged very soon after their operation, before surgical incisions have fully healed.<sup>398</sup> The lack of optimum protocols for home incision care dictates that much of what is done at home by the patient, family, or home care agency practitioners must be individualized. The intent of discharge planning is to maintain integrity of the healing incision, educate the patient about the signs and symptoms of infection, and advise the patient about whom to contact to report any problems.

#### F. SSI SURVEILLANCE

Surveillance of SSI with feedback of appropriate data to surgeons has been shown to be an important component of strategies to reduce SSI risk. 16,399,400 A successful surveillance program includes the use of epidemiologically sound infection definitions (Tables 1 and 2) and effective surveillance methods, stratification of SSI rates according to risk factors associated with SSI development, and data feedback.<sup>25</sup>

#### 1. SSI risk stratification

#### a. Concepts

Three categories of variables have proven to be reliable predictors of SSI risk: (1) those that estimate the intrinsic degree of microbial contamination of the surgical site, (2) those that measure the duration of an operation,

and (3) those that serve as markers for host susceptibility.25 A widely accepted scheme for classifying the degree of intrinsic microbial contamination of a surgical site was developed by the 1964 NAS/NRC Cooperative Research Study and modified in 1982 by CDC for use in SSI surveillance (Table 7).<sup>2,94</sup> In this scheme, a member of the surgical team classifies the patient's wound at the completion of the operation. Because of its ease of use and wide availability, the surgical wound classification has been used to predict SSI risk. $^{16,94,126,401-405}$  Some researchers have suggested that surgeons compare clean wound SSI rates with those of other surgeons. 16,399 However, two CDC efforts—the SENIC Project and the NNIS system—incorporated other predictor variables into SSI risk indices. These showed that even within the category of clean wounds, the SSI risk varied by risk category from 1.1% to 15.8% (SENIC) and from 1.0% to 5.4% (NNIS).125,126 In addition, sometimes an incision is incorrectly classified by a surgical team member or not classified at all, calling into question the reliability of the classification. Therefore, reporting SSI rates stratified by wound class alone is not recommended.

Data on 10 variables collected in the SENIC Project were analyzed by using logistic regression modeling to develop a simple additive SSI risk index. <sup>125</sup> Four of these were found to be independently associated with SSI risk: (1) an abdominal operation, (2) an operation lasting >2 hours, (3) a surgical site with a wound classification of either contaminated or dirty/infected, and 4) an operation performed on a patient having ≥3 discharge diagnoses. Each of these equally weighted factors contributes a point when present, such that the risk index values range from 0 to 4. By using these factors, the SENIC index predicted SSI risk twice as well as the traditional wound classification scheme alone.

The NNIS risk index is operation-specific and applied to prospectively collected surveillance data. The index values range from 0 to 3 points and are defined by three independent and equally weighted variables. One point is scored for each of the following when present: (1) American Society of Anesthesiologists (ASA) Physical Status Classification of >2 (Table 10), (2) either contaminated or dirty/infected wound classification (Table 7), and (3) length of operation >T hours, where T is the approximate 75th percentile of the duration of the specific operation being performed.126 The ASA class replaced discharge diagnoses of the SENIC risk index as a surrogate for the patient's underlying severity of illness (host susceptibility) 406,407 and has the advantage of being readily available in the chart during the patient's hospital stay. Unlike SENIC's constant 2-hour cut-point for duration of operation, the operation-specific cut-points used in the NNIS risk index increase its discriminatory power compared to the SENIC index. 126

#### b. Issues

Adjustment for variables known to confound rate estimates is critical if valid comparisons of SSI rates are to be made between surgeons or hospitals. 408 Risk stratification, as described above, has proven useful for this purpose, but relies on the ability of surveillance personnel to find and record data consistently and correctly. For the three variables used in the NNIS risk index, only one study has focused on how accurately any of them are recorded. Cardo et al. found that surgical team members' accuracy in assessing wound classification for general and trauma surgery was 88% (95% CI: 82%-94%).409 However, there are sufficient ambiguities in the wound class definitions themselves to warrant concern about the reproducibility of Cardo's results. The accuracy of recording the duration of operation (i.e., time from skin incision to skin closure) and the ASA class has not been studied. In an unpublished report from the NNIS system, there was evidence that overreporting of high ASA class existed in some hospitals. Further validation of the reliability of the recorded risk index variables is needed.

Additionally, the NNIS risk index does not adequately discriminate the SSI risk for all types of operations.<sup>27,410</sup> It seems likely that a combination of risk factors specific to patients undergoing an operation will be more predictive. A few studies have been performed to develop procedure-specific risk indices<sup>218,411-414</sup> and research in this area continues within CDC's NNIS system.

#### 2. SSI surveillance methods

SSI surveillance methods used in both the SENIC Project and the NNIS system were designed for monitoring inpatients at acute-care hospitals. Over the past decade, the shift from inpatient to outpatient surgical care (also called ambulatory or day surgery) has been dramatic. It has been estimated that 75% of all operations in the United States will be performed in outpatient settings by the year 2000.4 While it may be appropriate to use common definitions of SSI for inpatients and outpatients, 415 the types of operations monitored, the risk factors assessed, and the case-finding methods used may differ. New predictor variables may emerge from analyses of SSIs among outpatient surgery patients, which may lead to different ways of estimating SSI risk in this population.

The choice of which operations to monitor should be made jointly by surgeons and infection control personnel. Most hospitals do not have the resources to monitor all surgical patients all the time, nor is it likely that the same intensity of surveillance is necessary for certain low-risk procedures. Instead, hospitals should target surveillance efforts toward high-risk procedures.

#### a. Inpatient SSI surveillance

Two methods, alone or together, have been used to identify inpatients with SSIs: (1) direct observation of the

**Table 10.** Physical Status Classification, American Society of Anesthesiologists\*

Code	Patient's Preoperative Physical Status
1	Normally healthy patient
2	Patient with mild systemic disease
3	Patient with severe systemic disease that is not incapacitating
4	Patient with an incapacitating systemic disease that is a constant threat to life
5	Moribund patient who is not expected to survive for 24 hours with or without operation

<sup>\*</sup>Reference 406

Note: The above is the version of the ASA Physical Status Classification System that was current at the time of development of, and still is used in, the NNIS Risk Index. Meanwhile, the American Society of Anesthesiologists has revised their classification system; the most recent version is available at http://www.asahq.org/profinfo/physical status.html.

surgical site by the surgeon, trained nurse surveyor, or infection control personnel<sup>16,97,399,402,409,417-420</sup> and (2) indirect detection by infection control personnel through review of laboratory reports, patient records, and discussions with primary care providers. 15.84,399,402,404,409,418,421-427 The surgical literature suggests that direct observation of surgical sites is the most accurate method to detect SSIs, although sensitivity data are lacking. 16,399,402,417,418 Much of the SSI data reported in the infection control literature has been generated by indirect case-finding methods, 125,126,422,425,426,428-430 but some studies of direct methods also have been conducted.97,409 Some studies use both methods of detection.84,409,424,427,431 A study that focused solely on the sensitivity and specificity of SSIs detected by indirect methods found a sensitivity of 83.8% (95% CI: 75.7%-91.9%) and a specificity of 99.8% (95% CI: 99%-100%).409 Another study showed that chart review triggered by a computer-generated report of antibiotic orders for post-cesarean section patients had a sensitivity of 89% for detecting endometritis. 432

Indirect SSI detection can readily be performed by infection control personnel during surveillance rounds. The work includes gathering demographic, infection, surgical, and laboratory data on patients who have undergone operations of interest.<sup>433</sup> These data can be obtained from patients' medical records, including microbiology, histopathology, laboratory, and pharmacy data; radiology reports; and records from the operating room. Additionally, inpatient admissions, emergency room, and clinic visit records are sources of data for those postdischarge surgical patients who are readmitted or seek follow-up care.

The optimum frequency of SSI case-finding by either method is unknown and varies from daily to ≤3 times per week, continuing until the patient is discharged from the hospital. Because duration of hospitalization is often very short, postdischarge SSI surveillance has

become increasingly important to obtain accurate SSI rates (refer to "Postdischarge SSI Surveillance" section).

To calculate meaningful SSI rates, data must be collected on all patients undergoing the operations of interest (i.e., the population at risk). Because one of its purposes is to develop strategies for risk stratification, the NNIS system collects the following data on all surgical patients surveyed: operation date; NNIS operative procedure category; 434 surgeon identifier; patient identifier; age and sex; duration of operation; wound class; use of general anesthesia; ASA class; emergency; trauma; multiple procedures; endoscopic approach; and discharge date. 433 With the exception of discharge date, these data can be obtained manually from operating room logs or be electronically downloaded into surveillance software, thereby substantially reducing manual transcription and data entry errors. 433 Depending on the needs for risk-stratified SSI rates by personnel in infection control, surgery, and quality assurance, not all data elements may be pertinent for every type of operation. At minimum, however, variables found to be predictive of increased SSI risk should be collected (refer to "SSI Risk Stratification" section).

#### b. Postdischarge SSI surveillance

Between 12% and 84% of SSIs are detected after patients are discharged from the hospital. 98,337,402,428,435-454 At least two studies have shown that most SSIs become evident within 21 days after operation. 446,447 Since the length of postoperative hospitalization continues to decrease, many SSIs may not be detected for several weeks after discharge and may not require readmission to the operating hospital. Dependence solely on inpatient case-finding will result in underestimates of SSI rates for some operations (e.g., coronary artery bypass graft) (CDC/NNIS system, unpublished data, 1998). Any comparison of SSI rates must take into account whether case-finding included SSIs detected after discharge. For comparisons to be valid, even in the same institution over time, the postdischarge surveillance methods must be the same.

Postdischarge surveillance methods have been used with varying degrees of success for different procedures and among hospitals and include (1) direct examination of patients' wounds during follow-up visits to either surgery clinics or physicians' offices, 150,399,402,404,430,436,440,441,447,452,455 (2) review of medical records of surgery clinic patients, 404,430,439 (3) patient surveys by mail or telephone, 435,437,438,441,442,444,445,448,449,455,457 or (4) surgeon surveys by mail or telephone. 98,428,430,437-439,443,444,446,448,450,451,455 One study found that patients have difficulty assessing their own wounds for infection

(52% specificity, 26% positive predictive value),<sup>458</sup> suggesting that data obtained by patient questionnaire may inaccurately represent actual SSI rates.

Recently, Sands et al. performed a computerized search of three databases to determine which best identified SSIs: ambulatory encounter records for diagnostic, testing, and treatment codes; pharmacy records for specific antimicrobial prescriptions; and administrative records for rehospitalizations and emergency room visits. This study found that pharmacy records indicating a patient had received antimicrobial agents commonly used to treat soft tissue infections had the highest sensitivity (50%) and positive predictive value (19%), although even this approach alone was not very effective.

As integrated health information systems expand, tracking surgical patients through the entire course of care may become more feasible, practical, and effective. At this time, no consensus exists on which postdischarge surveillance methods are the most sensitive, specific, and practical. Methods chosen will necessarily reflect the hospital's unique mix of operations, personnel resources, and data needs.

#### c. Outpatient SSI surveillance

Both direct and indirect methods have been used to detect SSIs that complicate outpatient operations. One 8-year study of operations for hernia and varicose veins used home visits by district health nurses combined with a survey completed by the surgeon at the patient's 2-week postoperative clinic visit to identify SSIs. 459 While ascertainment was essentially 100%, this method is impractical for widespread implementation. High response rates have been obtained from questionnaires mailed to surgeons (72%->90%).443,444.446,455,459-461 Response rates from telephone questionnaires administered to patients were more variable (38%,444 81%,457 and 85%<sup>455</sup>), and response rates from questionnaires mailed to patients were quite low (15%455 and 33%446). At this time, no single detection method can be recommended. Available resources and data needs determine which method(s) should be used and which operations should be monitored. Regardless of which detection method is used, it is recommended that the CDC NNIS definitions of SSI (Tables 1 and 2) be used without modification in the outpatient setting.

#### **G. GUIDELINE EVALUATION PROCESS**

The value of the HICPAC guidelines is determined by those who use them. To help assess that value, HICPAC is developing an evaluation tool to learn how guidelines meet user expectations, and how and when these guidelines are disseminated and implemented.

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# II. Recommendations for prevention of surgical site infection

#### A. RATIONALE

The Guideline for Prevention of Surgical Site Infection, 1999, provides recommendations concerning reduction of surgical site infection risk. Each recommendation is categorized on the basis of existing scientific data, theoretical rationale, and applicability. However, the previous CDC system for categorizing recommendations has been modified slightly.

Category I recommendations, including IA and IB, are those recommendations that are viewed as effective by HICPAC and experts in the fields of surgery, infectious diseases, and infection control. Both Category IA and IB recommendations are applicable for, and should be adopted by, all healthcare facilities; IA and IB recommendations differ only in the strength of the supporting scientific evidence.

Category II recommendations are supported by less scientific data than Category I recommendations; such recommendations may be appropriate for addressing specific nosocomial problems or specific patient populations.

No recommendation is offered for some practices, either because there is a lack of consensus regarding their efficacy or because the available scientific evidence is insufficient to support their adoption. For such unresolved issues, practitioners should use judgement to determine a policy regarding these practices within their organization. Recommendations that are based on federal regulation are denoted with an asterisk.

#### **B. RANKINGS**

Category IA. Strongly recommended for implementation and supported by well-designed experimental, clinical, or epidemiological studies.

Category IB. Strongly recommended for implementation and supported by some experimental, clinical, or epidemiological studies and strong theoretical rationale.

Category II. Suggested for implementation and supported by suggestive clinical or epidemiological studies or theoretical rationale.

No recommendation; unresolved issue. Practices for which insufficient evidence or no consensus regarding efficacy exists.

Practices required by federal regulation are denoted with an asterisk (\*).

#### C. RECOMMENDATIONS

#### 1. Preoperative

#### a. Preparation of the patient

- Whenever possible, identify and treat all infections remote to the surgical site before elective operation and postpone elective operations on patients with remote site infections until the infection has resolved. *Category IA*
- 2. Do not remove hair preoperatively unless the hair at or around the incision site will interfere with the operation. *Category IA*
- 3. If hair is removed, remove immediately before the operation, preferably with electric clippers. *Category IA*
- 4. Adequately control serum blood glucose levels in all diabetic patients and particularly avoid hyperglycemia perioperatively. *Category IB*
- 5. Encourage tobacco cessation. At minimum, instruct patients to abstain for at least 30 days before elective operation from smoking cigarettes, cigars, pipes, or any other form of tobacco consumption (e.g., chewing/dipping). Category IB
- 6. Do not withhold necessary blood products from surgical patients as a means to prevent SSI. *Category IB*
- 7. Require patients to shower or bathe with an antiseptic agent on at least the night before the operative day. *Category IB*
- Thoroughly wash and clean at and around the incision site to remove gross contamination before performing antiseptic skin preparation. Category IB
- 9. Use an appropriate antiseptic agent for skin preparation (Table 6). *Category IB*
- 10. Apply preoperative antiseptic skin preparation in concentric circles moving toward the periphery. The prepared area must be large enough to extend the incision or create new incisions or drain sites, if necessary. Category II
- 11. Keep preoperative hospital stay as short as possible while allowing for adequate preoperative preparation of the patient. *Category II*
- 12. No recommendation to taper or discontinue systemic steroid use (when medically permissible) before elective operation. *Unresolved issue*

- No recommendation to enhance nutritional support for surgical patients solely as a means to prevent SSI. *Unresolved issue*
- No recommendation to preoperatively apply mupirocin to nares to prevent SSI. Unresolved issue
- No recommendation to provide measures that enhance wound space oxygenation to prevent SSI. *Unresolved issue*

#### b. Hand/forearm antisepsis for surgical team members

- Keep nails short and do not wear artificial nails. Category IB
- Perform a preoperative surgical scrub for at least 2 to 5 minutes using an appropriate antiseptic (Table 6). Scrub the hands and forearms up to the elbows. *Category IB*
- 3. After performing the surgical scrub, keep hands up and away from the body (elbows in flexed position) so that water runs from the tips of the fingers toward the elbows. Dry hands with a sterile towel and don a sterile gown and gloves. Category IB
- Clean underneath each fingernail prior to performing the first surgical scrub of the day. Category II
- 5. Do not wear hand or arm jewelry. Category II
- 6. No recommendation on wearing nail polish. Unresolved Issue

# c. Management of infected or colonized surgical personnel

- Educate and encourage surgical personnel who have signs and symptoms of a transmissible infectious illness to report conditions promptly to their supervisory and occupational health service personnel. Category IB
- 2. Develop well-defined policies concerning patient-care responsibilities when personnel have potentially transmissible infectious conditions. These policies should govern (a) personnel responsibility in using the health service and reporting illness, (b) work restrictions, and (c) clearance to resume work after an illness that required work restriction. The policies also should identify persons who have the authority to remove personnel from duty. Category IB
- Obtain appropriate cultures from, and exclude from duty, surgical personnel who have draining skin lesions until infection has been ruled out or personnel have received adequate therapy and infection has resolved. Category IB
- 4. Do not routinely exclude surgical personnel who are colonized with organisms such as *S. aureus* (nose, hands, or other body site) or group A *Streptococcus*, unless such personnel have been linked epidemiologically to dissemination of the organism in the healthcare setting. *Category IB*

#### d. Antimicrobial prophylaxis

- Administer a prophylactic antimicrobial agent only when indicated, and select it based on its efficacy against the most common pathogens causing SSI for a specific operation (Table 4) and published recommendations. 266,268,269,282-284 Category IA
- 2. Administer by the intravenous route the initial dose of prophylactic antimicrobial agent, timed such that a bactericidal concentration of the drug is established in serum and tissues when the incision is made. Maintain therapeutic levels of the agent in serum and tissues throughout the operation and until, at most, a few hours after the incision is closed in the operating room. Category IA
- 3. Before elective colorectal operations in addition to d2 above, mechanically prepare the colon by use of enemas and cathartic agents. Administer nonabsorbable oral antimicrobial agents in divided doses on the day before the operation. Category IA
- For high-risk cesarean section, administer the prophylactic antimicrobial agent immediately after the umbilical cord is clamped. Category IA
- 5. Do not routinely use vancomycin for antimicrobial prophylaxis. *Category IB*

#### 2. Intraoperative

#### a. Ventilation

- 1. Maintain positive-pressure ventilation in the operating room with respect to the corridors and adjacent areas. *Category IB*
- 2. Maintain a minimum of 15 air changes per hour, of which at least 3 should be fresh air. *Category IB*
- 3. Filter all air, recirculated and fresh, through the appropriate filters per the American Institute of Architects' recommendations.<sup>299</sup> Category IB
- 4. Introduce all air at the ceiling, and exhaust near the floor. *Category IB*
- 5. Do not use UV radiation in the operating room to prevent SSI. *Category IB*
- 6. Keep operating room doors closed except as needed for passage of equipment, personnel, and the patient. *Category IB*
- Consider performing orthopedic implant operations in operating rooms supplied with ultraclean air. Category II
- 8. Limit the number of personnel entering the operating room to necessary personnel. *Category II*

### b. Cleaning and disinfection of environmental surfaces

 When visible soiling or contamination with blood or other body fluids of surfaces or equipment occurs during an operation, use an EPA-approved hospital disinfectant to clean the affected areas before the next operation. Category IB\*

- 2. Do not perform special cleaning or closing of operating rooms after contaminated or dirty operations. *Category IB*
- 3. Do not use tacky mats at the entrance to the operating room suite or individual operating rooms for infection control. *Category IB*
- 4. Wet vacuum the operating room floor after the last operation of the day or night with an EPA-approved hospital disinfectant. *Category II*
- 5. No recommendation on disinfecting environmental surfaces or equipment used in operating rooms between operations in the absence of visible soiling. *Unresolved issue*

#### c. Microbiologic sampling

 Do not perform routine environmental sampling of the operating room. Perform microbiologic sampling of operating room environmental surfaces or air only as part of an epidemiologic investigation. Category IB

#### d. Sterilization of surgical instruments

- 1. Sterilize all surgical instruments according to published guidelines. 212,299,314,321 Category IB
- 2. Perform flash sterilization only for patient care items that will be used immediately (e.g., to reprocess an inadvertently dropped instrument). Do not use flash sterilization for reasons of convenience, as an alternative to purchasing additional instrument sets, or to save time. Category IB

#### e. Surgical attire and drapes

- Wear a surgical mask that fully covers the mouth and nose when entering the operating room if an operation is about to begin or already under way, or if sterile instruments are exposed. Wear the mask throughout the operation. Category IB\*
- Wear a cap or hood to fully cover hair on the head and face when entering the operating room. Category IB\*
- 3. Do not wear shoe covers for the prevention of SSI. *Category IB\**
- 4. Wear sterile gloves if a scrubbed surgical team member. Put on gloves after donning a sterile gown. *Category IB\**
- 5. Use surgical gowns and drapes that are effective barriers when wet (i.e., materials that resist liquid penetration). *Category IB*
- Change scrub suits that are visibly soiled, contaminated, and/or penetrated by blood or other potentially infectious materials. Category IB\*
- 7. No recommendations on how or where to launder scrub suits, on restricting use of scrub suits to the operating suite, or for covering scrub suits when out of the operating suite. *Unresolved issue*

#### f. Asepsis and surgical technique

\*Federal regulation: OSHA

- Adhere to principles of asepsis when placing intravascular devices (e.g., central venous catheters), spinal or epidural anesthesia catheters, or when dispensing and administering intravenous drugs. Category IA
- 2. Assemble sterile equipment and solutions immediately prior to use. *Category II*
- Handle tissue gently, maintain effective hemostasis, minimize devitalized tissue and foreign bodies (i.e., sutures, charred tissues, necrotic debris), and eradicate dead space at the surgical site. Category IB
- 4. Use delayed primary skin closure or leave an incision open to heal by second intention if the surgeon considers the surgical site to be heavily contaminated (e.g., Class III and Class IV). Category IB
- 5. If drainage is necessary, use a closed suction drain. Place a drain through a separate incision distant from the operative incision. Remove the drain as soon as possible. Category IB

#### 3. Postoperative incision care

- a. Protect with a sterile dressing for 24 to 48 hours postoperatively an incision that has been closed primarily. *Category IB*
- b. Wash hands before and after dressing changes and any contact with the surgical site. *Category IB*
- c. When an incision dressing must be changed, use sterile technique. *Category II*
- d. Educate the patient and family regarding proper incision care, symptoms of SSI, and the need to report such symptoms. *Category II*
- e. No recommendation to cover an incision closed primarily beyond 48 hours, nor on the appropriate time to shower or bathe with an uncovered incision. *Unresolved Issue*

#### 4. Surveillance

- a. Use CDC definitions of SSI (Table 1) without modification for identifying SSI among surgical inpatients and outpatients. *Category IB*
- b. For inpatient case-finding (including readmissions), use direct prospective observation, indirect prospective detection, or a combination of both direct and indirect methods for the duration of the patient's hospitalization. *Category IB*
- c. When postdischarge surveillance is performed for detecting SSI following certain operations (e.g., coronary artery bypass graft), use a method that accommodates available resources and data needs. Category II
- d. For outpatient case-finding, use a method that accommodates available resources and data needs. *Category IB*
- e. Assign the surgical wound classification upon

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- completion of an operation. A surgical team member should make the assignment. Category II
- f. For each patient undergoing an operation chosen for surveillance, record those variables shown to be associated with increased SSI risk (e.g., surgical wound class, ASA class, and duration of operation). Category IB
- g. Periodically calculate operation-specific SSI rates stratified by variables shown to be associated with increased SSI risk (e.g., NNIS risk index). Category IB
- h. Report appropriately stratified, operation-specific SSI rates to surgical team members. The optimum frequency and format for such rate computations will be determined by stratified case-load sizes (denominators) and the objectives of local, continuous quality improvement initiatives. Category IB
- No recommendation to make available to the infection control committee coded surgeon-specific data. *Unresolved issue*

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# CONTINUING EDUCATION EXAMINATION ON THE "GUIDELINE FOR PREVENTION OF SURGICAL SITE INFECTION, 1999"

The Centers for Disease Control and Prevention (CDC) is accredited as a provider of continuing education by the International Association for Continuing Education and Training (IACET) and the Accreditation Council for Continuing Medical Education (ACCME) and the American Nurses Credentialing Center's Commission on Accreditation. This learner-paced study package has been structured according to IACET's Criteria and Guidelines and ACCME's Essentials and Standards. The CDC designates this educational activity for a maximum of .15 continuing education units (CEUs), 1.5 category 1 credit (CME) toward the American Medical Association's Physician's Recognition Award, or 1.8 contact hours of continuing nurses education (CNE) credit.

#### INSTRUCTIONS FOR CREDIT

- 1. To receive credit, read the objectives and guideline, then complete and return the examination answer form either electronically (http://www.cdc.gov/ncidod/hip/) or by post to: SSI Guideline Evaluation Activity, Hospital Infections Program, Mailstop E69, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, Atlanta, GA 30333.
- 2. Allow 45 days for processing the application and awarding credit. A certificate of completion will be mailed to you.
- 3. There is no fee for participating in this activity.
- 4. The deadline for applying for CEU, CME, or CNE for this learning activity is April 15, 2000.

#### **OBJECTIVES**

- 1. Describe the frequency of surgical site infections in hospitalized patients.
- 2. List the most frequently occurring pathogens associated with surgical site infections and list potential reservoirs of infection.
- 3. List three intrinsic factors associated with increased risk of surgical site infection.
- 4. Identify three preoperative practices that have been shown to reduce the risk of surgical site infection.
- 5. Identify three intraoperative practices that, although not proven, may reduce the risk of surgical site infection.
- 6. Define the criteria for surgical site infections used for surveillance purposes.
- 7. Describe inpatient, outpatient, and postdischarge methods of surgical site infection surveillance.
- 8. List three variables used to stratify the risks associated with development of surgical site infection.

# EXAMINATION QUESTIONS (Circle the answer[s] on the answer form)

#### Part I.

- 1. SSIs are the most frequently occurring nosocomial infection among all hospitalized patients. T F
- 2. Most SSIs are confined to the incision. T F
- 3. When an SSI contributes to a patient's death, it is usually a serious infection involving organs or spaces accessed during the operation.  $T\ F$
- l. According to NNIS system data, the most frequently isolated pathogens in rank order from SSI are:
  - a. Escherichia coli, Klebsiella spp., Pseudomonas aeruginosa, and coagulase-negative staphylococci
  - b. Staphylococcus aureus, coagulase-negative staphylococci, Enterococcus spp., and Escherichia coli
  - c. Staphylococcus aureus, Enterococcus spp., Escherichia coli, and Pseudomonas aeruginosa
- d. Klebsiella spp., Pseudomonas aeruginosa, Staphylococcus aureus, and coagulase-negative staphylococci
- 5. The risk of SSI is related to the interaction between the dose of bacterial contamination, the virulence of the organism, and the resistance of the host patient. T/F
- 6. For most SSIs, which of the following is the primary source of pathogens
  - a. Operating room air
  - b. Surgical team members
  - c. Contaminated instruments
  - d. Patient's endogenous flora
- 7. Which of the following patient characteristics has been associated with increased SSI risk?
  - a. Obesity (>20% ideal body weight)
  - b. Coincident remote site infection
  - c. Cigarette smoking
  - d. All of the above
- 8. The association between SSI risk and receipt of steroids or immunosuppressive drugs is unresolved. T F
- 9. Preoperative antiseptic showering has been shown to reduce skin microbial colony counts and reduce SSI rates. T F
- 10. The surgical scrub must be performed for a duration of 10 minutes with an appropriate antiseptic. T F
- 11. Timing of antimicrobial prophylaxis should be such that an adequate bactericidal concentration of the drug is established in serum and tissues by the time the skin is incised. T F
- 12. Flash sterilization is acceptable for the routine reprocessing of surgical instruments that are in short supply. T F
- 13. Prophylactic antimicrobial agents should be extended for at least 72 hours postoperatively. T F
- 14. Operating rooms should be maintained at negative pressure with respect to corridors and adjacent areas. T F
- 15. An incision closed primarily should be protected with a sterile dressing for 24 to 48 hours postoperatively. T F
- 16. Surgical surveillance efforts should be targeted toward high-risk procedures. T F
- 17. Which of the following practices are identified as unresolved issues with respect to their potential for reducing SSI rates? (Select all that apply.)
  - a. Providing coded surgeon-specific data to the infection control committee
  - b. Covering a scrub suit when out of the operating suite
  - c. Using tacky mats at the entrance to the operating suite
  - d. Using ultraviolet radiation in the operating room
- 18. Which of the following practices is not considered good surgical technique?
  - a. Gentle handling of tissues
  - b. Maintaining effective hemostasis
  - c. Placing of a drain through the main surgical incision
  - d. Minimizing the amount of devitalized tissue
- 19. Infection control professionals should routinely assign the surgical wound classification. T F

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Continuing Education	134	Continuing	Education
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April 1999

ANSWER FORM	ANS	WEF	₹ FC	RM
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Continuing Education Examination on the "Guideline for Prevention of Surgical Site Infection, 1999." There is no fee for applying for CEU, CME or CNE for this learning activity; deadline for application is April 15, 2000.

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Return to: SSI Guideline Evaluation, Hospital Infections Program/CDC, Mailstop E69, 1600 Clifton Road, NE, Atlanta, GA 30333.

# **EXHIBIT DX5**

TO DECLARATION OF MARY S. YOUNG IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE OPINIONS AND TESTIMONY OF RICHARD WENZEL, M.D.

# Education and debate

# How to read a paper

# Getting your bearings (deciding what the paper is about)

Trisha Greenhalgh

# The science of "trashing" papers

It usually comes as a surprise to students to learn that some (perhaps most) published articles belong in the bin, and should certainly not be used to inform practice. The first box shows some common reasons why papers are rejected by peer reviewed journals.

Most papers now appearing in medical journals are presented more or less in standard IMRAD format: Introduction (why the authors decided to do this research), Methods (how they did it, and how they analysed their results), Results (what they found), and Discussion (what the results mean). If you are deciding whether a paper is worth reading, you should do so on the design of the methods section and not on the interest of the hypothesis, the nature or potential impact of the results, or the speculation in the discussion.

### Critical appraisal

The assessment of methodological quality (critical appraisal) has been covered in detail in many textbooks on evidence based medicine,<sup>2-6</sup> and in Sackett and colleagues' Users' Guides to the Medical Literature in *JAMA*.<sup>7-21</sup> If you are an experienced journal reader, the structured checklists produced by these authors will be largely self explanatory. If you are not, try these preliminary questions.

Question 1: Why was the study done, and what clinical question were the authors addressing?

The introductory sentence of a research paper should state, in a nutshell, what the background to the research is. For example, "Grommet insertion is a common procedure in children, and it has been suggested that not all operations are clinically necessary." This statement should be followed by a brief review of the published literature.

Unless it has already been covered in the introduction, the hypothesis which the authors have decided to test should be clearly stated in the methods section of the paper. If the hypothesis is presented in the negative, such as "the addition of metformin to maximal dose sulphonylurea therapy will not improve the control of type 2 diabetes," it is known as a null hypothesis.

The authors of a study rarely actually believe their null hypothesis when they embark on their research. Being human, they have usually set out to show a difference between the two arms of their study. But the way

# **Summary points**

Many papers published in medical journals have potentially serious methodological flaws

When deciding whether a paper is valid and relevant to your practice, first establish what specific clinical question it addressed

Questions to do with drug treatment or other medical interventions should be addressed by double blind, randomised controlled trials

Questions about prognosis require longitudinal cohort studies, and those about causation require either cohort or case-control studies

Case reports, though methodologically weak, can be produced rapidly and have a place in alerting practitioners to adverse drug reactions

scientists do this is to say, "Let's assume there's no difference; now let's try to disprove that theory." If you adhere to the teachings of Karl Popper, this hypothetico-deductive approach (setting up falsifiable hypotheses which you then proceed to test) is the very essence of the scientific method.<sup>22</sup>

This is the second of 10 articles introducing non-experts to finding medical articles and assessing their value

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## Why were papers rejected for publication?

- The study did not address an important scientific issue
- $\bullet$  The study was not original (someone else had already done the same or a similar study)
- The study did not actually test the authors' hypothesis
- A different type of study should have been done
- Practical difficulties (in recruiting subjects, for example) led the authors to compromise on the original study protocol
- The sample size was too small
- The study was uncontrolled or inadequately controlled
- The statistical analysis was incorrect or inappropriate
- The authors drew unjustified conclusions from their data
- There is a significant conflict of interest (one of the authors, or a sponsor, might benefit financially from the publication of the paper and insufficient safeguards were seen to be in place to guard against bias)
- The paper is so badly written that it is incomprehensible

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#### Terms used to describe design features of clinical research studies

Parallel group comparison—Each group receives a different treatment, with both groups being entered at the same time; results are analysed by comparing groups

Paired (or matched) comparison—Subjects receiving different treatments are matched to balance potential confounding variables such as age and sex; results are analysed in terms of differences between subject pairs

Within subject comparison—Subjects are assessed before and after an intervention and results analysed in terms of changes within the subjects

Single blind—Subjects did not know which treatment they were receiving Double blind—Neither did the investigators

*Crossover*—Each subject received both the intervention and control treatments (in random order), often separated by a washout period with no treatment

Placebo controlled—Control subjects receive a placebo (inactive pill) which should look and taste the same as the active pill. Placebo (sham) operations may also be used in trials of surgery

Factorial design—A study which permits investigation of the effects (both separately and combined) of more than one independent variable on a given outcome (for example, a  $2 \times 2$  factorial design tested the effects of placebo, aspirin alone, streptokinase alone, or aspirin plus streptokinase in acute heart attack<sup>23</sup>)

Question 2: What type of study was done?

First, decide whether the paper describes a primary study, which reports research first hand, or a secondary (or integrative) one, which attempts to summarise and draw conclusions from primary studies. Primary studies, the stuff of most published research in medical journals, usually fall into one of three categories:

- Experiments, in which a manoeuvre is performed on an animal or a volunteer in artificial and controlled surroundings;
- Clinical trials, in which an intervention, such as a drug treatment, is offered to a group of patients who are then followed up to see what happens to them; or
- Surveys, in which something is measured in a group of patients, health professionals, or some other sample of individuals.

The second box shows some common jargon terms used in describing study design.

Secondary research is made up of:

 Overviews, which may be divided into: [Non-systematic] reviews, which summarise primary studies;

Systematic reviews, which do this according to a rigorous and predefined methodology; and

Meta-analyses, which integrate the numerical data from more than one study.

- Guidelines, which draw conclusions from primary studies about how clinicians should be behaving.
- Decision analyses, which use the results of primary studies to generate probability trees to be used by health professionals and patients in making choices about clinical management.<sup>24-26</sup>
- Economic analyses, which use the results of primary studies to say whether a particular course of action is a good use of resources.

Question 3: Was this design appropriate to the research? This question is best addressed by considering what broad field of research is covered by the study. Most research studies are concerned with one or more of the broad fields shown in the box below.

#### Randomised controlled trials

In a randomised controlled trial, participants are randomly allocated by a process equivalent to the flip of a coin to either one intervention (such as a drug) or another (such as placebo treatment or a different drug). Both groups are followed up for a specified period and analysed in terms of outcomes defined at the outset (death, heart attack, serum cholesterol level, etc). Because, on average, the groups are identical apart from the intervention, any differences in outcome are, in theory, attributable to the intervention.

Some trials comparing an intervention group with a control group are not randomised trials. Random allocation may be impossible, impractical, or unethical—for example, in a trial to compare the outcomes of childbirth at home and in hospital. More commonly, inexperienced investigators compare one group (such as patients on ward A) with another (such as patients on ward B). With such designs, it is far less likely that the two groups can reasonably be compared with one another on a statistical level.

A randomised controlled trial should answer questions such as the following:

- Is this drug better than placebo or a different drug for a particular disease?
- Is a leaflet better than verbal advice in helping patients make informed choices about the treatment options for a particular condition?

It should be remembered, however, that randomised trials have several disadvantages (see box).<sup>27</sup> Remember, too, that the results of a trial may have limited applicability as a result of exclusion criteria (rules about who may not be entered into the study), inclusion bias (selection of subjects from a group unrepresentative of everyone with the condition), refusal of certain patient groups to give consent to be included in the trial,<sup>28</sup> analysis of only predefined "objective" endpoints which may exclude important qualitative aspects of the intervention, and publication bias (the selective publication of positive results).<sup>29</sup>

#### Broad fields of research

- *Therapy:* testing the efficacy of drug treatments, surgical procedures, alternative methods of service delivery, or other interventions. Preferred study design is randomised controlled trial
- *Diagnosis*: demonstrating whether a new diagnostic test is valid (can we trust it?) and reliable (would we get the same results every time?). Preferred study design is cross sectional survey in which both the new test and the gold standard are performed
- Screening: demonstrating the value of tests which can be applied to large populations and which pick up disease at a presymptomatic stage. Preferred study design is cross sectional survey
- *Prognosis*: determining what is likely to happen to someone whose disease is picked up at an early stage. Preferred study design is longitudinal cohort study
- Causation: determining whether a putative harmful agent, such as environmental pollution, is related to the development of illness. Preferred study design is cohort or case-control study, depending on how rare the disease is, but case reports may also provide crucial information

There is now a recommended format for reporting randomised controlled trials in medical journals.<sup>30</sup> You should try to follow it if you are writing one up yourself.

#### Cohort studies

In a cohort study, two (or more) groups of people are selected on the basis of differences in their exposure to a particular agent (such as a vaccine, a drug, or an environmental toxin), and followed up to see how many in each group develop a particular disease or other outcome. The follow up period in cohort studies is generally measured in years (and sometimes in decades), since that is how long many diseases, especially cancer, take to develop. Note that randomised controlled trials are usually begun on patients (people who already have a disease), whereas most cohort studies are begun on subjects who may or may not develop disease.

A special type of cohort study may also be used to determine the prognosis of a disease (what is likely to happen to someone who has it). A group of patients who have all been diagnosed as having an early stage of the disease or a positive result on a screening test is assembled (the inception cohort) and followed up on repeated occasions to see the incidence (new cases per year) and time course of different outcomes.

The world's most famous cohort study, which won its two original authors a knighthood, was undertaken by Sir Austin Bradford Hill, Sir Richard Doll, and, latterly, Richard Peto. They followed up 40 000 British doctors divided into four cohorts (non-smokers, and light, moderate, and heavy smokers) using both all cause mortality (any death) and cause specific mortality (death from a particular disease) as outcome measures. Publication of their 10 year interim results in 1964, which showed a substantial excess in both lung cancer mortality and all cause mortality in smokers, with a "dose-response" relation (the more you smoke, the worse your chances of getting lung cancer), went a long way to showing that the link between smoking and ill health was causal rather than coincidental.<sup>31</sup> The 20 year and 40 year results of this momentous study (which achieved an impressive 94% follow up of those recruited in 1951 and not known to have died) illustrate both the perils of smoking and the strength of evidence that can be obtained from a properly conducted cohort study.<sup>32</sup> 33

A cohort study should be used to address clinical questions such as:

- Does high blood pressure get better over time?
- What happens to infants who have been born very prematurely, in terms of subsequent physical development and educational achievement?

#### Case-control studies

In a case-control study, patients with a particular disease or condition are identified and "matched" with controls (patients with some other disease, the general population, neighbours, or relatives). Data are then collected (for example, by searching back through these people's medical records or by asking them to recall their own history) on past exposure to a possible causal agent for the disease. Like cohort studies, case-control studies are generally concerned with the aetiology of a disease (what causes it) rather than its treatment. They

#### Randomised controlled trial design

#### Advantages

- Allows rigorous evaluation of a single variable (effect of drug treatment versus placebo, for example) in a precisely defined patient group (postmenopausal women aged 50-60 years)
- Prospective design (data are collected on events that happen after you decide to do the study)
- Uses hypotheticodeductive reasoning (seeks to falsify, rather than confirm, its own hypothesis)
- Potentially eradicates bias by comparing two otherwise identical groups (but see below)
- Allows for meta-analysis (combining the numerical results of several similar trials at a later date)

### Disadvantages

Expensive and time consuming; hence, in practice:

- Many randomised controlled trials are either never done, are performed on too few patients, or are undertaken for too short a period
- Most are funded by large research bodies (university or government sponsored) or drug companies, who ultimately dictate the research agenda
- Surrogate endpoints are often used in preference to clinical outcome measures may introduce "hidden bias," especially through:
- Imperfect randomisation (see above)
- Failure to randomise all eligible patients (clinician only offers participation in the trial to patients he or she considers will respond well to the intervention)
- Failure to blind assessors to randomisation status of patients

lie lower down the hierarchy of evidence (see below), but this design is usually the only option for studying rare conditions. An important source of difficulty (and potential bias) in a case-control study is the precise definition of who counts as a "case," since one misallocated subject may substantially influence the results. In addition, such a design cannot show causality—the association of A with B in a case-control study does not prove that A has caused B.

A case-control study should be used to address clinical questions such as:

- Does the prone sleeping position increase the risk of cot death (the sudden infant death syndrome)?
- Does whooping cough vaccine cause brain damage?
- Do overhead power cables cause leukaemia?

### Cross sectional surveys

We have probably all been asked to take part in a survey, even if only one asking us which brand of



ETER BROWN

#### A memorable example of a case report

A doctor notices that two newborn babies in his hospital have absent limbs (phocomelia). Both mothers had taken a new drug (thalidomide) in early pregnancy. The doctor wishes to alert his colleagues worldwide to the possibility of drug related damage as quickly as possible.<sup>35</sup>

toothpaste we prefer. Surveys conducted by epidemiologists are run along the same lines: a representative sample of subjects (or patients) is interviewed, examined, or otherwise studied to gain answers to a specific clinical question. In cross sectional surveys, data are collected at a single time but may refer retrospectively to experiences in the past—such as the study of casenotes to see how often patients' blood pressure has been recorded in the past five years.

A cross sectional survey should be used to address clinical questions such as:

- What is the "normal" height of a 3 year old child?
- What do psychiatric nurses believe about the value of electroconvulsive therapy in severe depression?
- Is it true that half of all cases of diabetes are undiagnosed?

### Case reports

A case report describes the medical history of a single patient in the form of a story: "Mrs B is a 54 year old secretary who developed chest pain in June 1995...." Case reports are often run together to form a case series, in which the medical histories of more than one patient with a particular condition are described to illustrate an aspect of the condition, the treatment, or, most commonly these days, adverse reaction to treatment. Although this type of research is traditionally considered to be "quick and dirty" evidence, a great deal of information can be conveyed in a case report that would be lost in a clinical trial or survey.<sup>34</sup>

### The hierarchy of evidence

Standard notation for the relative weight carried by the different types of primary study when making decisions about clinical interventions (the "hierarchy of evidence") puts them in the following order<sup>36</sup>:

- (1) Systematic reviews and meta-analyses
- (2) Randomised controlled trials with definitive results (confidence intervals that do not overlap the threshold clinically significant effect)
- (3) Randomised controlled trials with non-definitive results (a point estimate that suggests a clinically significant effect but with confidence intervals overlapping the threshold for this effect)
- (4) Cohort studies
- (5) Case-control studies
- (6) Cross sectional surveys
- (7) Case reports.

The articles in this series are excerpts from *How to read a paper: the basics of evidence based medicine.* The book includes chapters on searching the literature and implementing evidence based findings. It can be ordered from the BMJ Bookshop: tel 0171 383 6185/6245; fax 0171 383 6662. Price £13.95 UK members, £14.95 non-members.

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